

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) Nos.3064 to 3066 of 2014
and
M.P.No.1 of 2014 in CRP (PD) No.3064 of 2014

K.B.Jawahar

... Petitioner in the
above CRPs

vs.

B.Kumaresan

... Respondent in the
above CRPs

Civil Revision Petition (PD) No.3064 of 2014 filed under Article 227 of the Constitution of India against the Order dated 07.04.2014 passed in I.A.No.132 of 2014 in O.S.No.195 of 2012 by the learned First Additional Subordinate Judge, Salem.

Civil Revision Petition (PD) No.3065 of 2014 filed under Article 227 of the Constitution of India against the Order dated 07.04.2014 passed in I.A.No.142 of 2014 in O.S.No.195 of 2012 by the learned First Additional Subordinate Judge, Salem.

Civil Revision Petition (PD) No.3066 of 2014 filed under Article 227 of the Constitution of India against the Order dated 07.04.2014 passed in I.A.No.143 of 2014 in O.S.No.195 of 2012 by the learned First Additional Subordinate Judge, Salem.

Mr.C.K.M.Appaji : for petitioner

Dr.P.Vasudevan : for respondent

ORDER

The respondent filed Interlocutory Applications before the learned First Additional Subordinate Judge, Salem, in I.A.Nos.132, 142 and 143 of 2014 in O.S.No.195 of 2012, to reopen the case for adducing further evidence, to condone the delay in filing Additional Written statement and to recall DW.2 for Cross Examination, respectively. The Applications were allowed by the learned Trial Judge. The said interlocutory orders are under challenge in these Civil Revision Petitions.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The petitioner filed a Civil Suit in O.S.No.195 of 2012 for partition. The suit was contested by the respondent by filing written statement. The respondent wanted to recall DW.2 for further evidence for the purpose of adducing evidence in respect of the claim made by the second defendant. The learned Judge exercised his discretion and allowed the Applications. There is no question of re-appreciating the materials considered by the learned

Trial Judge for taking a different view. I am, therefore, of the view that no interference is called for in the orders under challenge.

4. The Trial Court is directed to post the matter on a particular day for further evidence of DW.2. In case, the respondent failed to produce DW.2 for further evidence, on the appointed day, the evidence shall be closed. The documents would be received subject to admissibility and relevancy. It is needless to point out that reasonable opportunity should be given to the petitioner to cross-examine DW.2 with regard to the documents produced by the respondent.

5. The Civil Revision Petitions are disposed of, with the above direction. No costs. Connected Miscellaneous Petition is closed.

01.12.2016

Index : yes / no
Internet :yes / no
asvm

K.K.SASIDHARAN, J.

Copy to:

The I Additional Subordinate Judge,
Salem.

(asvm)

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