

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) Nos.1280 and 1281 of 2016

&

C.M.P.Nos.7172 and 7173 of 2016

B.Abirani

... Petitioner
in both the revisions

vs.

M.Senthil Kumar

...Respondent
in both the revisions

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.Nos.104 & 105 of 2016 in O.S.No.28 of 2013 dated 15.03.2016 on the file of 1st Additional Subordinate Judge, Erode.

For Petitioner : Mr.S.Udaykumar
for M/s.Karan and Uday

ORDER

The sole defendant in O.S.No.28 of 2013 on the file of the learned I Additional Subordinate Judge, Erode is the petitioner in the present revisions. The suit was filed by the respondent herein for recovery of money based on pro-note. After pleading was over, the issues were framed and the Court proceeded with the trial of the

case. 2. As many as 4 witnesses were examined as Pws 1 to 4 on the side of the plaintiff and they were fully cross-examined by the petitioner in the revision petitions/defendant. Again on an application filed by the revision petitioner herein/defendant in I.A.No.887 of 2015, the above said witnesses, namely Pws 1 to 4 were recalled and cross-examined further. Thereafter, the matter stood listed for adducing evidence on the side of the revision petitioner herein/defendant. Such recalling of Pws 1 to 4 was made and they were fully cross-examined on 16.01.2016. After completion of the cross-examination on 16.01.2016, the evidence on the side of the plaintiff was closed and the matter stood listed for adducing evidence on the side of the defendant, namely the revision petitioner herein. Meanwhile, on 20.01.2016, the revision petitioner herein/defendant filed I.A.No.104 of 2016 for re-opening the case for further evidence of the plaintiff and I.A.No.105 of 2016 for recalling Pws 1 to 4 for further examination. The applications were resisted on the ground that the defendant was trying to prolong the case and delay the decision in the suit. Accepting the said objection and sustaining the same, the learned trial Judge dismissed both the applications by a common order dated 15.03.2016. It is as against the decretal orders passed in the interlocutory applications, the present Civil Revision Petitions have been filed by the petitioner herein/defendant.

3. The matter stands listed today for admission. The respondent has filed a caveat and he has entered appearance through counsel. The submissions made on both sides are heard. The materials are also perused.

4. Upon such hearing and after such perusal, this Court is of the considered view that there is nothing wrong in the order passed by the trial Court dismissing the applications for re-opening the case and recalling Pws 1 to 4. The facts narrated in the preliminary portion of this order will make it clear that the revision petitioner herein/defendant is making attempts to prolong the case as long as possible and hence, this Court comes to the conclusion that there is no merit in the revision petitions and the revision petitions do not even merit admission.

Accordingly, both the Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

26.04.2016

gpa
To

I Additional Subordinate Judge
Erode

P.R.SHIVAKUMAR, J.

gpa

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