

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1770 of 2016

and

C.M.P.No.9351 of 2016

S.Rajasekar

S/o.Sivakozhundu

... Petitioner

vs

S.Jayakumar

S/o.Subburayan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order of learned II Additional Sub Judge, Villupuram, passed in I.A.No.924 of 2015 in O.S.No.172 of 2011 on 23.02.2016.

For Petitioner : Mr.S.C.Vishwanth

ORDER

This revision arises against the order of learned II Additional Sub Judge, Villupuram, passed in I.A.No.924 of 2015 in O.S.No.172 of 2011 on 23.02.2016.

2. Petitioner is the plaintiff in O.S.No.172 of 2011 on the file of learned II Additional Sub Judge, Villupuram, an action moved for specific performance. I.A.No.924 of 2015 in O.S.No.172 of 2011 has been moved by

petitioner/plaintiff towards reopening plaintiff's evidence. The Court below, under the impugned order, dismissed such application. Hence, this revision.

3. Heard learned counsel for petitioner.

4. In dismissing the application, the Court below has reasoned that upon completion of plaintiff's evidence on 17.12.2013, the case has been adjourned on several occasions towards examination of additional witnesses on the side of plaintiff and since the plaintiff has not produced any witness, the plaintiff's side evidence was closed on 17.02.2015. Though sufficient opportunity has been afforded to the plaintiff to cross-examine the defendant, the plaintiff has failed to do so. Further, the details of witnesses to be examined on the side of plaintiff has not been mentioned in the affidavit and the plaintiff has filed the present application only to protract the proceedings. This Court finds no error in the order under challenge.

The Civil Revision Petition, accordingly, is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.06.2016

Index:yes/no
Internet:yes
gm

To

The II Additional Sub Judge,
Villupuram.

C.T.SELVAM, J

gm

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