

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) Nos.1829 and 1830 of 2016
and C.M.P.No.9614 of 2016

1. Jayam @ Sellammal
2. Mani @ Ramasamy

... Petitioners in both CRPs.

Versus

Saraswathi

... Respondent in both CRPs.

Prayer in CRP(PD) No.1829 of 2016 :- Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreetal order dated 22.12.2015 made in I.A.No.528 of 2015 in O.S.No.582 of 2008 on the file of the learned Subordinate Judge at Tiruchengode.

Prayer in CRP(PD) No.1830 of 2016 :- Civil Revision Petition filed under Article 227 of the Constitution of India, against the Fair and Decreetal order dated 22.12.2015 made in I.A.No.529 of 2015 in O.S.No.582 of 2008 on the file of the learned Subordinate Judge, Tiruchengode.

For Petitioner
in both CRPs. : Mr.Venkatasamy Babu

COMMON ORDER

The petitioners, after the conclusion of the evidence on the side of the defendants, filed petitions to recall and reopen the evidence of P.W.1 for further cross examination. Both the applications were dismissed by the learned Trial

Judge on the ground of delay. The orders are under challenge in these two revision petitions.

2. Heard the learned counsel for the petitioners.

3. The factual matrix shows that the affidavit of chief examination was filed on 26.03.2013. P.W.1 was cross examined by the first defendant on 13.06.2013. The cross examination of P.W.1 was continued on subsequent dates by defendants 2 and 3. The evidence was closed thereafter. The defendants also adduced evidence. It was only when the matter was posted for arguments, the petitioners filed the petitions to recall and to reopen the evidence of P.W.1 for further cross-examination. The learned Trial Judge, having found that there was undue delay in filing the petitions, rightly dismissed the petitions. I do not find any error or illegality in the order passed by the learned Trial Judge, warranting interference, by invoking the revisional jurisdiction under Article 227 of the Constitution of India.

4. The Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2016

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To

The Subordinate Judge,
Tiruchengode.

K.K.SASIDHARAN, J.

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