

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

CRP (PD) No.2030 of 2016
and C.M.P.No.10577 of 2016

M.Govindaraju

.. Petitioner

Vs.

Hariprasad

.. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 04.03.2016 passed in M.P.(Sr)No.3371 of 2016 in R.C.O.P.No.1620 of 2012 by the Hon'ble XI Judge, Small Causes Court, Chennai and consequently allow the above Civil Revision Petition.

For Petitioner : Mr.M.R.Murali
For Respondent : Mr.Nagusah

ORDER

The petitioner earlier filed an application to re-open his side for the purpose of leading evidence. The application was allowed by the trial Court with two conditions. The first condition was to pay a sum of Rs.1,000/- as costs and the other condition was to lead evidence on 13.02.2016. Though the petitioner paid the costs within the time permitted, he failed to lead evidence on his side. Hence, he filed a petition for extention of time, which was allowed and time was extended for compliance till 26.02.2016. Since the petitioner failed to let in evidence on the said date, the application was dismissed.

2. Thereafter, the petitioner filed a third application to re-open his side to lead evidence. The application was rejected even without registering the same. Feeling aggrieved, the petitioner is before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned counsel for the respondent.

4. The only question that arises for consideration is whether the petitioner has made out a case to lead evidence by re-opening his side, notwithstanding the earlier order in MP.No.56 of 2015.

5. There is no dispute that the petitioner failed to comply with the second direction given by the learned trial Judge to adduce evidence on the date specified for evidence. The petitioner has got his own reasons for his failure to adduce evidence on the date prescribed by the Court. The petitioner being a tenant should be given a reasonable opportunity to adduce evidence on his side. It is true that the learned trial Judge has given sufficient opportunity to the petitioner to prove his case. The petitioner failed to avail such opportunity.

6. The matter is of the year 2012. It would not be in the interest of the petitioner or the respondent to keep the matter pending. I am therefore of the view that an equitable order should be passed in the matter taking into account the background facts.

7. The learned counsel for the petitioner on instructions submitted that the petitioner would co-operate with the trial Court for an early disposal of the matter. The learned counsel has made an endorsement indicating that the petitioner would lead evidence on 21.09.2016 before the trial Court. The said endorsement is taken on record.

8. The petitioner shall appear before the trial Court on 28.09.2016 along with his chief affidavit. The petitioner would be cross-examined by the learned counsel for the respondent on the very same day. Since the petitioner has no other witnesses to be examined on his side, his evidence would be closed on 28.09.2016 itself and the matter would be posted for arguments on 05.10.2016.

9. The learned trial Judge is directed to adhere to the time schedule specified above and dispose of the proceedings in RCOP.No.1620 of 2012 as expeditiously as possible and in any case on or before 30.10.2016.

The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

14.09.2016

Index : Yes/No

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Office to note : Issue copy by 23.09.2016

K.K.SASIDHARAN,J

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