

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.10.2016
CORAM

The Hon'ble Mr.Justice S.M.Subramaniam

C.R.P(PD)No.229 of 2012 and
M.P.No.1 of 2012

Vilasa Venkatesan

...Revision Petitioner

Vs

G.Jeyarama Reddiar (died)

1. Janarthanam
2. Babu
- Radhakrishnan (died)
3. Kasthuri (died)
4. Chakkaravarthy
5. Shanthanalakshmi
6. Jayanthi
7. Pushpa
8. Lalitha
9. Thilaga
10. Kamala
11. Saraswathi
12. Gunasundari
13. Anandanayaki
14. Sujatha
15. Krishnakumar
16. Kuppammal (died)
17. Sedhulakshmi
18. Indira
19. Malika
20. Rani
21. R.Geetha

- 22. R.Vijay
- 23. Bharathi Thiyagarajan
- 24. Rajvee

Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.No.980 of 2011 in O.S.No.406 of 2009, passed by the Subordinate Judge, Tambaram, dated 01.12.2011.

For Revision Petitioner : Mr.D.Ashokkumar

For all Respondents
excluding R-3 and 16. : Mr.S.Udayakumar

ORDER

The thirty seventh defendant in the Suit in O.S.No.406 of 2009, on the file of the Subordinate Court, Tambaram, is the revision petitioner herein, and he has filed this Civil Revision Petition against the order passed by the learned Subordinate Judge, in I.A.No.980 of 2011 in O.S.No.406 of 2009, dated 01.12.2011, whereby, the Interlocutory Application filed by him to reopen the defendants side evidence was dismissed.

2. The learned counsel appearing for respondents would state that he has no objection for setting aside the order passed by the Trial Court, and

to reopen defendants side evidence with a view to give an opportunity to the defendants enabling them to defend their case in accordance with law.

3. In view of the submission made by the learned counsel appearing for respondents, this Civil Revision Petition is allowed, the order passed by the Subordinate Judge, Tambaram, in I.A.No.980 of 2011 in O.S.No.406 of 2009, dated 01.12.2011 is set aside and the Trial Court is directed to reopen the defendants side evidence and proceed with the trial by giving opportunity to all the parties in the Suit, and complete the trial as expeditiously as possible, preferably, within a period of nine months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06.10.2016

sd

Index : yes/no

To

The Subordinate Judge, Tambaram.

S.M.Subramaniam, J.,

sd

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