

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

C.R.P.(PD) No.3624 and 3627 of 2016
and
C.M.P.No.18391 of 2016

V.Thirunavukarasu

... Petitioner in the
above CRPs

vs.

Suny Akber

... Respondent in the
above CRPs

Civil Revision Petition (PD) No.3624 of 2016 filed under Article 227 of the Constitution of India against the common order and decretal order dated 6.9.2016 passed in I.A.No.11559 of 2006 in O.S.No.1254 of 2013 on the file of the XV Asst.Judge, City Civil Court, Chennai.

Civil Revision Petition (PD) No.3627 of 2016 filed under Article 227 of the Constitution of India against the common order and decretal order dated 6.9.2016 passed in I.A.No.11558 of 2006 in O.S.No.1254 of 2013 on the file of the XV Asst.Judge, City Civil Court, Chennai.

Mr.P.Rajamanickam : for petitioner in the above CRPs.

Mr.Zaffurllakhan : for respondent in the above CRPs.

ORDER

These two Civil Revision Petitions are directed against the Order dated 6.9.2016 in I.A.No.11558 and 11559 of 2016 in O.S.No.1254 of 2013, dismissing the applications filed by the petitioner to receive the documents and to re-open the evidence on his side.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The Trial Court dismissed the Application filed by the petitioner to re-open the matter on the ground that sufficient opportunity was granted earlier. According to the Trial Court, the matter was posted for the evidence of defendants on 23.8.2016. The defendants failed to appear before the Court and as such, the evidence was closed. The Trial Court observed that there was no material produced by the petitioner to prove that he was laid up on 23.8.2016. The Application to receive the documents was also dismissed for the very same reason.

4. After hearing the parties and on a perusal of the orders impugned in these Civil Revision Petitions, I am of the view that one more opportunity should be given to the petitioner to adduce evidence.

5. The Trial Court is directed to post the matter for defendant's evidence on 13.12.2016. The petitioner must appear on the said date to give evidence. In case, the petitioner fails to appear before the Trial Court on 13.12.2016, evidence will be closed and the matter would be posted for arguments. The documents produced in I.A.No.1159 of 2016 would be received subject to proof, relevancy and admissibility. It is made clear that before marking the documents, the Trial Court shall consider and decide as to whether the documents are admissible in evidence.

6. The Civil Revision Petitions are disposed of, with the above direction. No costs. Connected Civil Miscellaneous Petition is closed.

30.11.2016

Index : yes / no
Internet :yes / no
asvm

Note to Office :
Issue Order copy on 02.12.2016

K.K.SASIDHARAN, J.

Copy to:

The XV Asst.Judge,
City Civil Court, Chennai.

(asvm)

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and
C.M.P.No.18391 of 2016 in
C.R.P.(PD)No.3624 of 2016

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