

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.12.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) Nos.3690 and 3691 of 2016 and
CMP.No.18762 of 2016

1.S.Shankar

2.M/s.Precision Controls Private Ltd.,

Rep. by its Director, S.Shankar

No.5A, D'Silva Road,

Mylapore, Chennai - 600 004.

...Petitioners in both petitions

versus

G.S.Natarajan

...Respondent in both petitions

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decreetal orders of the learned XVIII Additional Judge, City Civil Court, Chennai in I.A.Nos.46 and 47 of 2013 in O.S.No.7510 of 2010 dated 09.07.2013.

For Petitioners : Mr.R.Srinivas

For Respondent : Mr.K.Harishankar

COMMON ORDER

The interlocutory applications filed by the petitioners in I.A.Nos.46 and 47 of 2013 to re-open the case and re-call P.W.1 were dismissed by the Trial Court on account of the sufficient opportunity given earlier to cross examine P.W.1. The orders are under challenge in these Civil Revision Petitions.

2. These revision petitions came up for hearing on 25 November 2016. After hearing the learned counsel for the petitioners and taking into account the background facts, I have passed the following order:-

"The learned counsel for the petitioners submitted that in case opportunity is given, the petitioners would cross examine P.W.1 on the very same date.

2. The attention of the learned counsel for the petitioners was taken to the observation made in the order by the learned Trial Judge that in spite of adjourning the matter on multiple occasions, the petitioners failed to cross-examine P.W.1 for a long time.

3. The learned counsel was therefore directed to take instructions as to whether, the petitioners are prepared to pay a sum of Rs.25,000/- as cost, as a condition precedent to summon P.W.1 and for the said purpose to issue notice to the respondent.

4. The learned counsel for the petitioners on instructions submitted that the petitioners are prepared to pay the cost to the respondent.

5. In view of the said submission, issue notice to the respondent returnable by 30.11.2016. Private Notice is also permitted. The petitioners are permitted to serve notice on the learned counsel for the respondent indicating that the revision petitions would be taken up on 30.11.2016.

Post the matters on 30.11.2016."

3. Subsequently, the respondent entered appearance through counsel.

4. The learned counsel for the petitioners and the learned counsel for the respondent ultimately arrived at a consensus, in and by which, the respondent has agreed to recall P.W.1 for further cross-examination on 13.12.2016, subject to payment of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as costs.

5. The petitioner paid the cost amount to the respondent pursuant to the agreement referred to above.

6. The learned XVIII Additional Judge, City Civil Court, Chennai is directed to post the original suit in O.S.No.7510 of 2010 on 13.12.2016 for further cross-examination of P.W.1 on 13.12.2016. There shall be a direction to P.W.1 to appear before the Court on 13.12.2016. The petitioners are directed to cross-examine P.W.1 and complete the cross examination on 13.12.2016 itself. In case, the petitioners failed to cross-examine P.W.1 on 13.12.2016 and complete the examination, it is open to the Trial Court to close the evidence and

post the matter for further proceedings.

K.K.SASIDHARAN, J.
(svki)

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

01.12.2016

Index : Yes/No

Note : Issue order copy by 05.12.2016

svki

To

The XVIII Additional Judge,
City Civil Court, Chennai

C.R.P.(P.D.) Nos.3690 and 3691 of 2016

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