

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.601 of 2016
&
C.M.P.No.3203 of 2016

Sarangapani

... Petitioner

VS.

Pandiyan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the decretal order dated 08.04.2015 passed in I.A.No.3 of 2015 in O.S.No.77 of 2006 on the file of the District Munsif Court-cum-Judicial Magistrate, Thirukkazhukundram.

For Petitioner : Mr.A.Venkatesan

ORDER

Heard the submissions made by Mr.A.Venkatesan, learned counsel for the petitioner.

2. This Civil Revision Petition under Article 227 of the Constitution of India has been filed against the order dated 08.04.2015 passed in I.A.No.3 of 2015 in O.S.No.77 of 2006 on the file of the District Munsif-cum-Judicial Magistrate, Thirukalukundram. The petition came to be filed for recalling Pws 1 and 2 for cross-examination, since they were not cross-examined and their evidence came to be closed as they were not cross-examined when offered to be cross-examined. Such examination of PW1 commenced on 03.10.2012 and till 17.06.2014, he was not cross-examined. Hence, the trial Court chose to close the evidence of PW1 and examine PW2. PW2 was examined on 25.06.2014 and the petitioner did not cross-examine him also. Thereafter, the petitioner belatedly filed an application in I.A.No.3 of 2015 on 22.12.2014. The said application, after enquiry, was dismissed on 08.04.2015. Though such an order came to be passed on 08.04.2015, the petitioner waited for more than 9 months and filed the present Civil Revision Petition on 29.01.2016 with defects. It was returned and then re-presented on 19.02.2016.

3. The above said particulars, in the chronological order, will show the determination of the petitioner to prolong the case as long as

possible by causing delay in each stage. Hence, the order of the trial Court dismissing the application cannot be stated to be either defective or infirm capable of being interfered with and set aside by the exercise of power of superintendence of this Court under Article 227 of the Constitution of India. There is no merit in the revision and the revision deserves dismissal at the threshold.

Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

01.03.2016

Index: Yes/No
Internet: yes/No
gpa

To

1. The District Munsif Court-cum-
Judicial Magistrate, Thirukkazhukundram

P.R.SHIVAKUMAR.J.,

gpa

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