



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2016

CORAM :

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.R.P. (NPD) (MD) Nos. 697, 698 and 833 of 2016

and CMP (MD) No.4213 in CRP No.833 of 2016

and CMP (MD) No.3261 of 2016

In CRP (MD) No. 697 of 2016:

Simson

...Petitioner/Respondent/2nd Defendant

Vs.

K.Gopinathan Nair

...Respondent/Petitioner/Plaintiff

PRAYER in CRP (MD) No. 697 of 2016: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order passed in I.A.No.136 of 2015 in O.S.No.120 of 2012 on the file of the District Court, Kanyakumari at Nagercoil dated 21.04.2015.

In CRP (MD) No. 698 of 2016:

1.Simson

...Petitioner/Respondent/2nd Defendant

Vs.

K.Gopinathan Nair

...Respondent/Petitioner/Plaintiff

PRAYER in CRP (MD) No. 698 of 2016: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order passed in I.A.No.61 of 2015 in O.S.No.120 of 2012 on the file of the District Court, Kanyakumari at Nagercoil dated 12.03.2015.

In CRP (MD) No. 833 of 2016:

Simson

...Petitioner/Respondent/2nd Defendant

Vs.

1.Gopinathan Nair

2.Dr.Madusoothanan

...Respondents/Respondents/
Plaintiff and 1st Defendant

PRAYER in CRP (MD) No. 833 of 2016: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order passed in I.A.No.406 of 2015 in O.S.No.120 of 2012 on the file of the District Court, Kanyakumari at Nagercoil dated 15.02.2016.

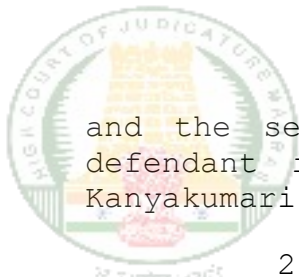
For Petitioner : Mr.T.Selvan

For Respondents : Mr.M.P.Senthil

for Mr.R.Murugan

C O M M O N O R D E R

<https://hcservices.ecourts.gov.in/hcservices/>
The Civil Revision petitioner in all the three revisions is the second defendant and the respondent in C.R.P.(MD) Nos. 697 and 698 of 2016, the first respondent in C.R.P.(MD) No.833 of 2016 is the plaintiff



and the second respondent in C.R.P.(MD) No.833 of 2016 is the first defendant in O.S.No.120 of 2012 on the file of the District Court, Kanyakumari at Nagercoil.

2. Heard learned counsel for the petitioner and learned counsel appearing for respondents.

3. The Civil Revision Petitions in C.R.P.(MD) Nos.697 and 698 of 2016, challenging orders of the court below permitting recall of P.W.2/ expert and marking of documents through him, have become infructuous inasmuch as in pursuance of the order under challenge, the expert has been examined and documents have been marked through him. In so far as Civil Revision Petition No.833 of 2016 is concerned, the relief claimed is towards a right of cross-examination of P.W.2/expert. Were the matter to be solely dealt with on merits, we would dismiss the Civil Revision Petition without any hesitation. However, taking into consideration the submission of learned counsel for the petitioner that one final opportunity be provided, this Court, having heard learned counsel for respondents, who has expressed apprehension that time and time again the petitioner has been delaying proceedings by adopting the practise of delayed payment of batta, directs petitioner to pay a sum of Rs.5,000/- (Rupees five thousand only) in costs to respondents on or before 29.04.2016. Such payment shall be effected by learned counsel for petitioner through learned counsel for respondents before us. Petitioner shall pay batta for recall P.W.2 on or before 29.04.2016. Thereupon, the court below is directed to require the presence of P.W.2/expert before it on 14.06.2016. Cross-examination of P.W.2/expert shall be completed on such date. If the final opportunity afforded by this Court is not availed of, Civil Revision Petition (MD) No.833 of 2016 shall stand dismissed automatically, without any further reference to this Court. C.R.P.(MD) Nos.697 and 698 of 2016 are dismissed as infructuous. No costs. Consequently, connected C.M.P.s are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To
The District Court, Kanyakumari at Nagercoil.

+1cc to M/s.T.Selvan, Advocate in SR.23294
+1cc to M/s.R.Murugan, Advocate in SR.23079

C.R.P.(NPD) Nos.697, 698 and 833 of 2016
25.04.2016

cm.

PBK/NGM-SS/SAR-I 26/04/2016 ::2P-4C:: (IT)