

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2017

CORAM

THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.PD.Nos.1007 to 1009 of 2017

and

CMP.No.4900 of 2017

Pakkiri Shankar

... Petitioner in all CRPs

Vs.

1. K.A.Vincent

2. V.Jesu Vincent

..Respondents in all CRPs

PRAYER in CRP 1007 of 2017

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.111/2016 in O.S.No.546 of 2007 on 24.01.2017 by the District Munsif Thiruvallur.

PRAYER in CRP 1008 of 2017

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.112/2016 in O.S.No.546 of 2007 on 24.01.2017 by the District Munsif Thiruvallur.

PRAYER in CRP 1009 of 2017

The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order made in I.A.No.113/2016 in O.S.No.546 of 2007 on 24.01.2017 by the District Munsif Thiruvallur.

For petitioner : Mr.A.Palaniappan

For Respondents: Mr.M.P.Raja Velayatham

ORDER

The learned counsel for the petitioner would submit that the petitioner has filed applications in I.A.No.111/2016, I.A.No.112 of 2016 & I.A.No.113 of 2016 to reopen and recall PW1 & PW-2 for further examination. The trial court without considering the case of the petitioner, dismissed the said applications.

2. According to the learned counsel for the petitioner, the first respondent/plaintiff has filed a suit in O.S.No. 546 of 2007 on 14.08.2017 before the District Munsif Court, Thiruvallur. In the aforesaid suit, the applications in I.A.Nos.111 to 113 of 2016 were filed by the petitioner for cross examination of PW-1 and PW-2. Without considering the contentions of the petitioner, the court below dismissed the said applications.

3. The learned counsel for the respondents would submit that the revision petitions may be allowed for reopening and recalling of PW2. Further, the learned counsel for the petitioner submitted that, the petitioner is ready and willing to recall PW2 for further examination, before the trial Court.

4. In the light of above submissions made by the counsel of the parties, orders passed by the court below in I.A.Nos.111 to 113 of 2016 are set aside.

5. Accordingly, the Civil Revision Petitions stand allowed. Consequently, the connected miscellaneous petition is closed. No costs.

13.11.2017

Speaking/Non-speaking order

Index : Yes/No

Internet: Yes/No

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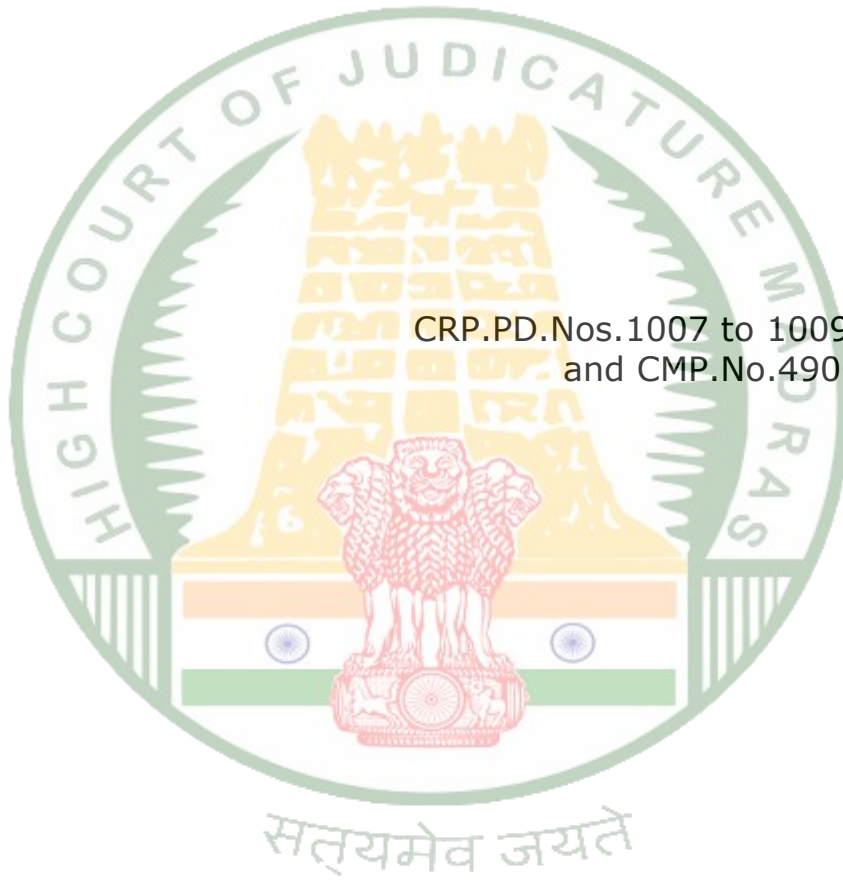
To

The District Munsif,
Thiruvallur.

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D.KRISHNAKUMAR. J,

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CRP.PD.Nos.1007 to 1009 of 2017
and CMP.No.4900 of 2017

WEB COPY 13.11.2017

CRP (PD) Nos. 1007 to 1009 of 2017
and
C.M.P.No.4900/ 2017 in CRP (PD) No. 1007 of 2017

D.KRISHNAKUMAR,J

At the instance of the learned counsel for the petitioner, the matter is posted today under the caption "being mentioned".

2. The common order passed by the court below on 24.01.2017 in I.A. Nos. 111 to 113 of 2016 has been challenged in the revision petitions in CRP Nos. 1007 to 1009 of 2017. This Court by a common order dated 13.11.2017, allowed the aforesaid revisions. Today, the learned counsel for both the parties submitted that after completion of cross examination of PW-1, PW-2 can be recalled and proceeded with, for further examination and so the order passed in C.R.P. (PD) No.1008 of 2017 against I.A. No.112 of 2013 may be modified as dismissed.

3. In the light of the aforesaid submission, paragraphs 4 and 5 of the order dated 13.11.2017 is modified as follows :-

*“ 4. In the light of the above submissions made
by the learned counsel for the parties, orders passed*

by the court below is set aside so far as I.A. Nos. 111 and 113 of 2016.

5. Accordingly, the C.R.P Nos. 1007 and 1009 of 2017 are allowed. C.R.P No.1008 of 2017 is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs. "

4. It is made clear that the rest of the order, remains unchanged. Registry is directed to prepare a fresh order incorporating the necessary corrections.

23.02.2018

Note :

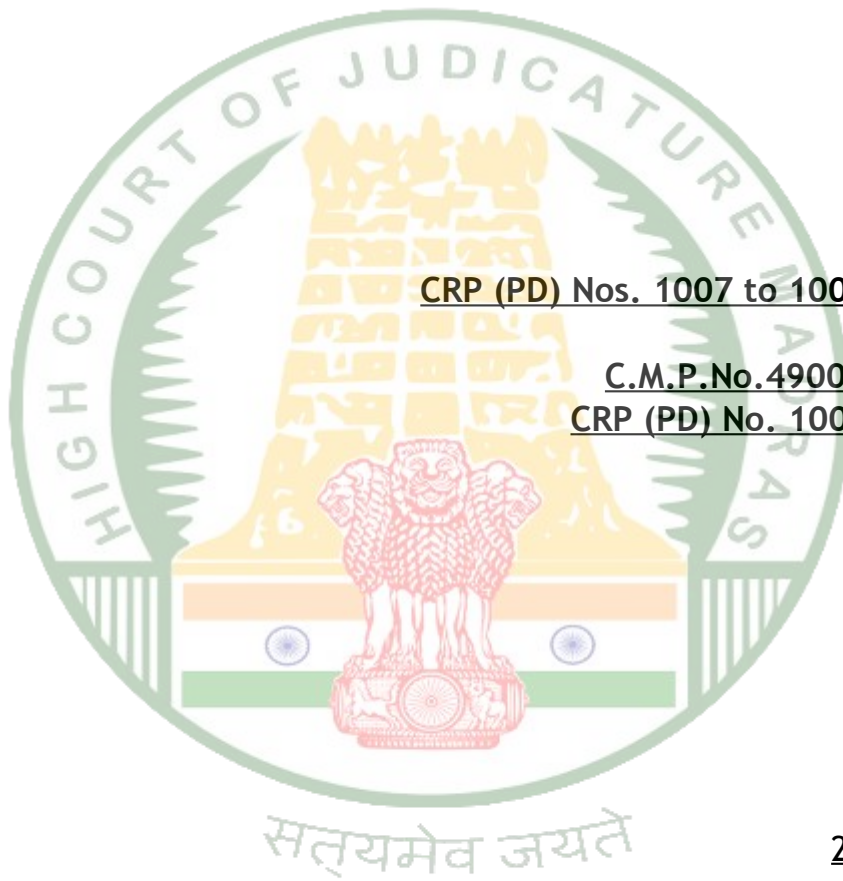
1. Issue fresh order copy to the counsel for petitioner and respondent.
2. Mark a copy of the fresh order to the District Munsif, Thiruvallur.

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D.KRISHNAKUMAR,J

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CRP (PD) Nos. 1007 to 1009 of 2017
and
C.M.P.No.4900/ 2017 in
CRP (PD) No. 1007 of 2017

23.01.2018

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