

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Civil Revision Petition (PD) No.423 of 2017
& CMP.No.1984 of 2017

V.Lakshmanan

... Petitioner

vs

1.Mrs.Renuka Lakshmi @ A.Renuka
2.Mr.Vijayagopal Rao @ A.Gopal Rao
3.Mr.Dhanraj N.Kochar

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 28.11.2016 made in I.A.No.1194 of 2016 in O.S.No.215 of 2011 on the file of the Principal District Judge, Chengalpet.

For Petitioner : Mr.N.Kumar Rajan

For Respondent : No Appearance

ORDER

Civil Revision Petition has been filed against the fair and decretal order dated 28.11.2016 made in I.A.No.1194 of 2016 in O.S.No.215 of 2011 on

the file of the Principal District Judge, Chengalpet.

2.The third defendant in O.S.No.215 of 2011 has moved an application under Order 18, Rule 17 to recall PW1 for the purpose of further cross examination. According to the third defendant, on account of his previous counsel expressing his inability to continue to prosecute his case, he has engaged another counsel and after going through the evidence of PW1, it is found that certain additional questions have to be put to PW1 and has to be further cross examined by his new counsel. The same has been resisted by the plaintiff's counsel by contending that the application has been preferred giving vague reasons and no acceptable and bonafide case is made out for recalling PW1.

3.The lower appellate court found acceptance of the case of the third defendant and accordingly, entertained his application on terms. Challenging the same, the plaintiff has come forward with the revision petition.

4.It is contended by the plaintiff's counsel that sufficient cause has not been given for recalling PW1 again for further cross examination by the third defendant and therefore, the court should set aside the impugned order.

5.However, considering the facts and circumstances of the case and also the reasons given by the third defendant for recalling PW1, in my considered opinion, it is found that the lower appellate court has rightly entertained the application on condition. Further, it is found that no serious prejudice is caused to the plaintiff.

6.In this connection, the plaintiff's counsel relied upon the decision reported in *CDJ 2014 MHC 5699(S.V.Maha Prasad Vs. Renuka Devi & Another)*. The principles of law enunciated in the above said decision are taken into consideration and followed as applicable to the facts and circumstances of the case at hand.

7.In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.02.2017

dn

Index:yes/no

Internet:yes

To

The Principal District Judge,
Chengalpet.

T.RAVINDRAN, J

dn

Civil Revision Petition (PD) No.423 of 2017

09.02.2017

<http://www.judis.nic.in>