

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).Nos.740 & 934 of 2017
and C.M.P.No.3675 of 2017
in C.R.P.(PD).No.740 of 2017

K.Palanisamy

... Petitioner in both C.R.Ps

Vs.

1.M/s.Janatha Paper Packaging,
a Partnership Firm
rep by its Managing Director, K.Jayaraman
residing at No.226, K.P.R. Layout,
7th Cross, Singanallur,
Coimbatore - 641 005.

2.K.Jayaraman

3.K.Selvaraj

... Respondents in both C.R.Ps

Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and final order made in I.A.Nos.616 & 617 of 2016 in O.S.No.291 of 2004 on the file of the II Additional District Munsif Court, Coimbatore.

For Petitioner in both C.R.Ps : Mr.M.R.Thangavel

For Respondents in both C.R.Ps : Ms.P.T.Asha,
for M/s.Sarvabhauman Associates

COMMON ORDER

Challenging the fair and final order passed in I.A.Nos.616 & 617 of 2016 in O.S.No.291 of 2004 on the file of the II Additional District Munsif Court, Coimbatore, the plaintiff has filed the above Civil Revision Petitions.

2.The plaintiff filed the suit in O.S.No.291 of 2004 for permanent injunction. The defendants filed their written statement and are contesting the suit.

3.After framing the issues, the trial Court took up the matter for trial and after the completion of the oral evidence, the plaintiff filed applications in I.A.Nos.616 and 617 of 2016 to reopen and recall D.W.2 for further cross examination. The said applications were contested by the defendants stating that there is no necessity for further cross examining the witness. The trial Court, taking into consideration the case of both parties, dismissed both the applications, against which the plaintiff has filed the above Civil Revision Petitions.

4.The learned counsel appearing for the petitioner/plaintiff

submitted that the plaintiff sought for further examination of D.W.2 only for the purpose of marking the plaint in O.S.No.1242 of 2010 on the file of the District Munsif Court, Coimbatore. Further, the learned counsel submitted that recalling of D.W.2 is not for any other purpose other than what has been stated.

5.Ms.P.T.Asha, learned counsel appearing for the respondents/defendants submitted that the defendants have no objection for marking the certified copy of the plaint in O.S.No.1242 of 2010 and in such a case, the said document can be produced before the trial Court and the same can be marked by the trial Court without recording any evidence on the side of the defendants. Further, the learned counsel submitted that the suit is posted for arguments today (i.e.) 13.03.2017.

6.Having regard to the submissions made by the learned counsel on either side, since the respondents/defendants have no objection for marking the certified copy of the plaint in O.S.No.1242 of 2010 as plaintiff's side document, the petitioner/plaintiff is directed to produce the document before the trial Court on 16.03.2017 and the trial Court is directed to mark the said document as plaintiff's side exhibit on the same day.

7.Since the suit is pending for a long time, the trial Court is directed to dispose of the suit in O.S.No.291 of 2004 *on or before 31.03.2017*.

8.With these observations, the Civil Revision Petitions are disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No

13.03.2017

Internet : Yes

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Note: Issue order copy on 14.03.2017.

To

The II Additional District Munsif Court,
Coimbatore.

M.DURAIWAMY,J.
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in C.R.P.(PD).No.740 of 2017**

13.03.2017

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