

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2017

CORAM

THE HONOURABLE Dr. JUSTICE P.DEVADASS

CRP (PD) No.3523 of 2013
and M.P.No.1 of 2013

Babyammal ... Petitioner

Vs.

1.Chinnaraji
2.Settu
3.Jegadeesan
4.Sami

... Respondents

Prayer : Civil Revision Petition filed under Section 227 of Constitution of India praying to set aside the order dated 21.08.2013 passed in I.A.No.139 of 2013 in O.S.No.431 of 2007 on the file of the learned District Munsif, Arani, Thiruvannamalai District.

For Petitioner :Mr.R.Kannadasan
For Respondents :No Appearance

JUDGMENT

This revision arises out of I.A.No.139 of 2013 in O.S.No.431 of 2007 on the file of the learned District Munsif Court, Arani, which has been filed by the plaintiff to recall D.W.1.

2. The plaintiff filed a suit for recovery of damages alleging that the defendants have cut and carried away three neem trees from her suit land. Defendants in their written statement did not deny the cutting away of the

trees. However, they have disputed that they have not cut the trees from the plaintiff's land. The trial went on. Parties entered the witness box as P.W.1 and D.W.1. The case was at its last leg of journey.

3. At this stage, I.A.No.139 of 2013 has been filed by the plaintiff to recall D.W.1, on the ground that the plaintiff wanted to further cross-examine D.W.1 on certain aspects which were omitted to be posed to him while he was in the witness box. It was opposed to by the defendants that it is a ploy to delay the trial.

4. The Trial Court coming to the view that no acceptable reason has been given in the affidavit filed by the plaintiff, dismissed the said I.A. That is how the plaintiff is before us.

5. Upon hearing the learned counsel for the petitioner and on perusing the impugned order and the materials on record, I do not find any flaw or irregularity in the said order of the trial Court.

6. Both are neighbours. They are known persons. This matter requires quick disposal. Otherwise the strained relationship between the parties will escalate. Today they will fight, tomorrow their children will fight on this petty issue. Trees have gone, but the fight is going on since 2007. Had the trial Court put its heart and soul, it would have been settled long back through deliberation and mediation.

7. It is quite sickening that they have come all the way and disturbed us, besides having wasted much of their time and public time and money. The trial Court Judge could have had a healthy discussion with the learned counsels on both sides and made sincere efforts to put an end to this nagging issue instead of toiling much in a boiling issue. Even now the opportunity is not slipped out. 'Where there is a will there is a way.' Of course, 'Rome is not built in a day.' Past is past. Think of the future as there is no point in 'crying over the spilt milk'. Even now with the kind co-operation of both side learned counsels, either the Trial Court himself/herself or with the assistance of Legal Aid panel Advocate conciliation talks can be initiated and the dispute can be concluded in a peaceful way, in that event there will be 'no victor and no vanquished', but both are winners, there will be no loss because they got peace, mental peace, a precious one.

8. In view of the foregoing, ordered as under :

This revision fails and it is dismissed. However, no costs.

9. The learned District Munsif, Arani, shall dispose of the suit within a month from the date of receipt of a copy of this order also following the mode advised in para 7, supra in this order. Consequently, connected miscellaneous petition is closed.

10.03.2017

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Index : Yes
Internet:Yes

DR.P.DEVADASS, J

ds

To:

- 1.The Principal District Judge /
Chairman, District Legal Services Authority
Thiruvannamalai.
- 2.The District Munsif Court,
Arani,
Thiruvannamalai District.

Copy to:

- 1.The Registrar (Judicial)
High Court, Madras.
- 2.The Director,
Tamil Nadu State Judicial Academy,
Greenways Road,
Chennai - 600 028.

CRP (PD) No.3523 of 2013

10.3.2017

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