



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P. (PD) (MD) No.1523 of 2017

and

C.M.P. (MD) No.8314 of 2017

K.Abdul Majeed (Died)

1.Asia Bivi
2.A.Jihaar Ali
3.Sirajudeen
4.Jaffer Ali
5.Vahidha Banu
6.Sameema Banu

... Petitioners / Petitioners /
Defendants

-vs-

M.Fathima Bi

...Respondent / Respondent /
Plaintiff

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the order dated 15.02.2017 made in I.A.No.740 of 2016 in O.S.No.1190 of 2008 on the file of the Principal District Munsif of Tiruchirappalli.

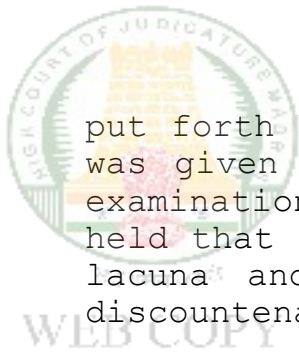
For Petitioners : Mr.B.Prasanna Vinoth

ORDER

The petitioners / defendants have preferred an application under Order 18 Rule 17 C.P.C and Section 115 of Civil Procedure Code to recall P.W.2 for further cross-examination on the footing that some important questions were omitted to be put up during the cross examination and hence, he has to be recalled for the said purpose.

2.The said application was resisted by the opponent party contending that the above application preferred by the petitioner is intended only to delay the proceedings and the same is not entitled for acceptance.

3.The Court below, on a consideration of the rival contentions



put forth by the respective parties, finds that no acceptable cause was given by the petitioner to recall the P.W.2 for further cross examination and that he had been already cross-examined at length, held that the present application has been laid only to fill up the lacuna and to delay the proceedings endlessly and accordingly, discountenanced the application.

4.Considering the reasons given by the Court below in dismissing the application, it is found that the petitioners have cross examined P.W.2 at length and the reasons given by the petitioner for recalling P.W.2 had not been justified. The legal requirements for recalling the witness are found to be not satisfied. As rightly determined by the Court below, the application has been preferred by the petitioner only to delay the proceedings endlessly, to fill up the lacuna, if any. In such view of the matter, I do not find any error or mistake in the impugned order of the Court below.

5.Resultantly, this Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To:

The Principal District Munsif,
Tiruchirappalli.

MYR
TE/KK/SAR-I : 22/09/2017 : 2P/2C

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