



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2017

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (MD) No.661 &
CMP (MD) No.2998 of 2017

and

C.R.P. (MD) No.662 &
CMP (MD) No.2999 of 2017

C.R.P. (MD) .No.661 of 2017

Chakaravarthy ... Revision Petitioner/Respondent/Plaintiff
Vs.

1.Sengamalam
2.Mohanasundaram
3.Padmanaban
4.Manivannan ... Respondents/Petitioners/Defendants

PRAYER: The Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the fair and decreetal order dated 23.11.2016 in I.A.No.649 of 2014 in O.S.No.50 of 2008, on the file of the learned I Additional Subordinate Judge, Trichy and set aside the same.

For Petitioner : Mr.AL.Kannan
For Respondents : No appearance

C.R.P. (MD) .No.662 of 2017

Chakaravarthy ... Revision Petitioner
Vs.

1.Sengamalam
2.Mohanasundaram
3.Padmanaban
4.Manivannan ... Respondents

PRAYER: The Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records relating to the fair and decreetal order dated 23.11.2016 in I.A.No.650 of 2014 in O.S.No.50 of 2008, on the file of the learned I Additional Subordinate Judge, Trichy and set aside the same.

For Petitioner : Mr.AL.Kannan
For Respondents : No appearance

COMMON ORDER

The Civil Revision Petitions in CRP (MD).Nos.661 and 662 of 2017 have been filed, under Article 227 of the Constitution of India, to call for the records relating to the fair and decreetal order dated 23.11.2016 in I.A.Nos.649 and 650 of 2014 in O.S.No.50 of 2008 respectively, on the file of the learned I Additional Subordinate Judge, Trichy and to set aside the same.

2.Heard the learned counsel for the revision petitioner. No representation for the respondents.

3.Application filed to reopen and recall P.W.1 to cross examine and mark certain documents was allowed by the trial Court.

4.Aggrieved by the said order, the revision petitioner, who is the plaintiff in the suit has preferred these revision petitions. The main ground of the revision petitions is that the application to reopen and recall P.W.1 has been filed after 5 years and the documents which the respondents herein sought to be marked through the said witness, not at all been listed and the reason why the documents should be marked through plaintiff witness is also not explained by the defendants. In such circumstances, the trial Court ought not to have allowed the application.

5.The application to reopen and to recall P.W.1, does not disclose any detail about the documents sought to be marked through this witness by way of cross examining. The only contention in the said affidavit filed in support of the petition is that the respondent advised to state that some documents had to be marked through cross examination of P.W.1 and they had been omitted. This application was filed on 18.08.2014, whereas, P.W.1 was examined in chief and cross and his evidence was closed as early as 13.11.2008. Based on the very vague statement, the trial Court has entertained this application which has perpetuated further delay in disposal of the suit.

6.This Court finds merit in the revision petitions and requires interference of the impugned order. Without proper detail of documents sought to be marked by recalling the witness there is no necessity for the Court to allow such application.

7. Since, the trial Court has failed to look into this aspect, the impugned order is set aside and both the Civil Revision Petitions are allowed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-I)



TO

The I Additional Subordinate Judge, Trichy.

+1 CC TO MR.VR.SHANMUGANATHAN, ADVOCATE, SR NO.58182

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MAS/KP/SAR1:09.06.2017:3P-3C

COMMON ORDER MADE
IN
C.R.P. (MD) No.661 &
CMP (MD) No.2998 of 2017
and
C.R.P. (MD) No.662 &
CMP (MD) No.2999 of 2017
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