

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 26.06.2018

Coram:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

C.R.P.(PD)Nos.1307 & 1308 of 2018 and
C.M.P.No.6786 of 2018

1. Jeganathan
2. J.Raju ... Petitioners in both the CRPs

Vs.

1. M.Venkatachalam
2. V.Gunasekaran ... Respondents in CRP.No.1307/18

1. P.Arukkani
2. P.Kadhirvelu ... Respondents in CRP.No.1308/18

Prayer in CRP.No.1307/18: Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.02.2018 made in I.A.No.137 of 2018 in O.S.No.393 of 2013 on the file of the Principal District Munsif Court, Erode.

Prayer in CRP.No.1308/18: Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.02.2018 made in I.A.No.138 of 2018 in O.S.No.135 of 2012 on the file of the Principal District Munsif Court, Erode.

For Petitioners : Mr.D.Gopal in both the CRPs
For Respondents : Mr.S.Kaithamalai Kumaran
in both the CRPs

COMMON ORDER

These civil revision petitions have been filed against the orders dated 09.02.2018 made in I.A.No.137 of 2018 in O.S.No.393 of 2013

and I.A.No.138 of 2018 in O.S.No.135 of 2012 respectively, by the learned Principal District Munsif, Erode.

2 The revision petitioners are defendants in O.S.No.393 of 2013 and plaintiffs in O.S.No.135 of 2012, which are pending before the learned Principal District Munsif, Erode and both the suits have been tried simultaneously. In both the suits pleadings have been completed, issues were framed and both side evidence have also been completed and now both the suits were posted for arguments. At this time, the revision petitioners have filed two applications in I.A.No.137 of 2018 in O.S.No.393 of 2013 seeking permission to examine an individual witness namely Gopalakrishnan and I.A.No.138 of 2018 in O.S.No.135 of 2012 seeking permission to examine the Advocate Commissioner and Taluk Surveyor. Both the applications were dismissed by orders dated 09.02.2018 .

3 Aggrieved against the same, the revision petitioners are before this Court with these civil revision petitions.

4 The learned counsel appearing for the revision petitioners would submit that it is just and necessary to examine the independent

witness and also examine the Advocate Commissioner and Taluk Surveyor appointed in this case to elucidate the matter in dispute and for effective adjudication of the suits.

5 The learned counsel appearing for the respondents would submit that the petitioners herein unnecessarily dragging the proceedings by filing one after another application for various reasons. Hence the trial Court rightly dismissed the applications filed by the revision petitioners.

6 Heard the learned counsel appearing on either side and perused the materials available on record.

7 On a perusal of the records, it reveal that the revision petitioners have filed one after another application for various reasons. Both the suits were posted for arguments after completion of pleadings, framing of issues and evidence. At that time the petitioners filed these application only with a view to drag the proceedings. However, in order to given them one more opportunity, these revisions may be allowed on condition. But at the same time the inconvenience caused to the respondents has to be adequately compensated by cost.

8 Accordingly these revision petitions are allowed on condition that the revision petitioners shall pay a sum of Rs.25,000/- in each revision to the respondents in both the civil revision petitions on or before 06.07.2018 and directed to file a cost paid memo before the trial Court on or before 09.07.2018 and on receipt of such memo, the trial Court is directed to permit the revision petitioners to examine independent witness and the Advocate Commissioner as prayed for in the interlocutory applications and complete the evidence on or before 20.07.2018, arguments of both the parties shall be completed on or before 31.07.2018 and the suits shall be disposed of on or before 16.08.2018. It is made clear no further time will be given for disposing the above suits. All the parties are directed to cooperate for speedy disposal of the above suits.

9 In the result, these civil revision petitions are allowed with cost of Rs.25,000/- each. Consequently connected miscellaneous petition is closed.

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26.06.2018

Internet: Yes/No

Index: Yes/No

Speaking order/Non-Speaking Order

Note: Issue Order copy on 09.07.2018

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P.VELMURUGAN, J.,

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To
The Principal District Munsif Court,
Erode.



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