

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2018

Coram:

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

C.R.P.(PD)Nos.1399 & 1400 of 2018 and
C.M.P.No.7517 of 2018

Nachammal (Died)

1. Palaniammal
2. G.M.Parameshwaran
3. G.M.Visveswaran
4. G.M.Datchinamoorthy

... Petitioners in both the CRPs

Vs.

Canara Bank,
 Gobichettipalayam Branch, Modachur Road,
 Gobichettipalayam Town, Erode District.
 rep. by its Branch Manger

... Respondent in both the CRPs

Prayer in both the CRPs: Civil Revision Petitions have been filed under Article 227 of the Constitution of India against fair and decreetal order dated 19.02.2018 made in I.A.No.123 & 124 of 2018 respectively in O.S.No.36 of 2013, on the file of the Subordinate Court, Gobichettipalayam.

For Petitioner : Mr.C.S.Saravanan

For Respondent :

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COMMON ORDER

These civil revision petitions have been filed against the orders dated 19.02.2018 made in I.A.No.123 & 124 of 2018 respectively in

O.S.No.36 of 2013, on the file of the Subordinate Court, Gobichettipalayam.

2 The respondent herein filed a suit in O.S.No.36 of 2013 for recovery of money arising out of loan availed by the petitioners' father herein, in which the petitioners/defendants filed their counter affidavit. The respondent/plaintiff side evidence was completed and the case was posted for defendants side evidence. The petitioners/defendants filed applications in I.A.Nos.123 & 124 of 2018 seeking reopen and recall the evidence of P.W.1 in order to prove their contention that the loan borrowed by the petitioners' father for agricultural tractor has been waived under the scheme announced by the State of Tamil Nadu. The trial Court dismissed both the applications in I.A.No.123 & 124 of 2018 by orders dated 19.02.2018.

3 Aggrieved against the above said order dated 19.02.2018, the revision petitioners are before this Court with the present civil revision petitions.

4 Heard the learned counsel for the petitioners and perused the materials available on record.

5 According to the learned counsel for the revision petitioners, the revision petitioners/defendants have not cross examine P.W.1, but the records shows that the cross examination of P.W.1 was already completed. The learned counsel contended that it is just and necessary to cross examine P.W.1 to establish the defence taken in the written statement filed by the 4th petitioner/4th defendant.

6 However, in order to meet the ends of justice, one more opportunity shall be given to the revision petitioners to cross examine P.W.1. Accordingly, the orders dated 19.02.2018 passed in I.A.Nos.123 & 124 of 2018 made by the Subordinate Court, Gobichettipalayam, are hereby set aside. The revision petitioners/defendants shall be permitted to cross examine P.W.1 on condition that the petitioners shall pay a sum of Rs.15,000/- to the credit of O.S.No.36 of 2013 on or before 21.06.2018 and they are further directed to file a memo before the trial court after complying the above condition and on filing of such memo, the trial Court shall permit the petitioners to cross examine P.W.1 on 22.06.2018. It is made clear that the petitioners shall complete the cross examination of P.W.1 on 22.06.2018 itself, no further opportunity will be given to them to cross

examine P.W.1. After completing cross examination of P.W.1, the trial Court shall proceed the matter in accordance with law without influencing the observations made in the order passed in the interlocutory applications and also in these civil revision petitions.

7 In the result, these civil revision petitions are disposed of with cost. Consequently connected miscellaneous petition is closed.

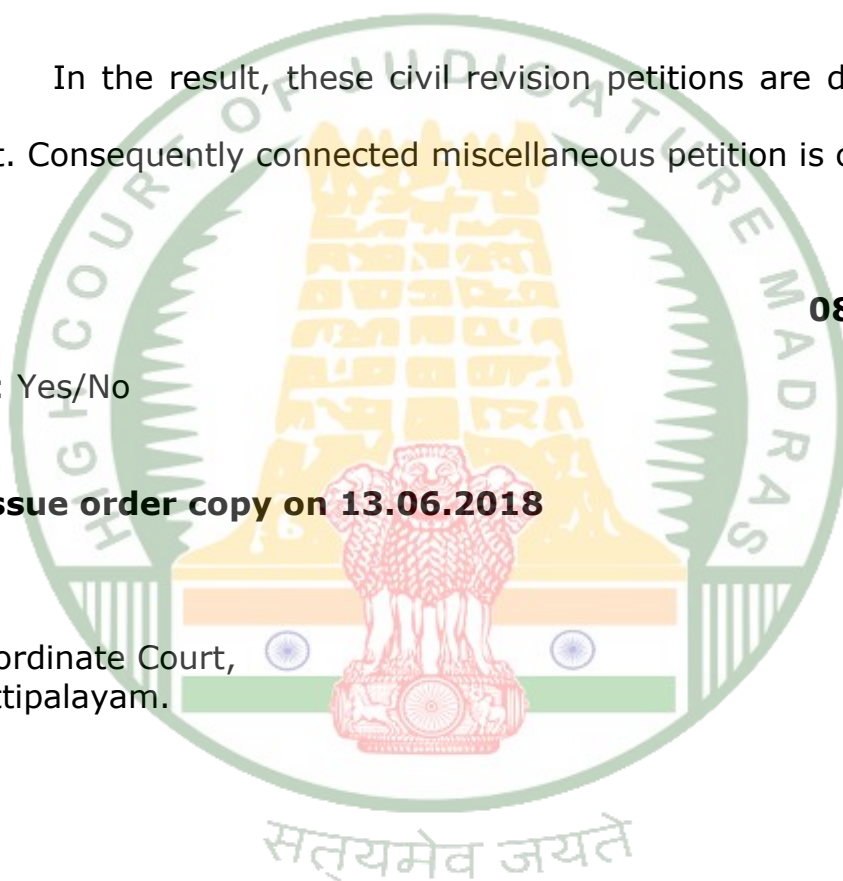
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Note: Issue order copy on 13.06.2018

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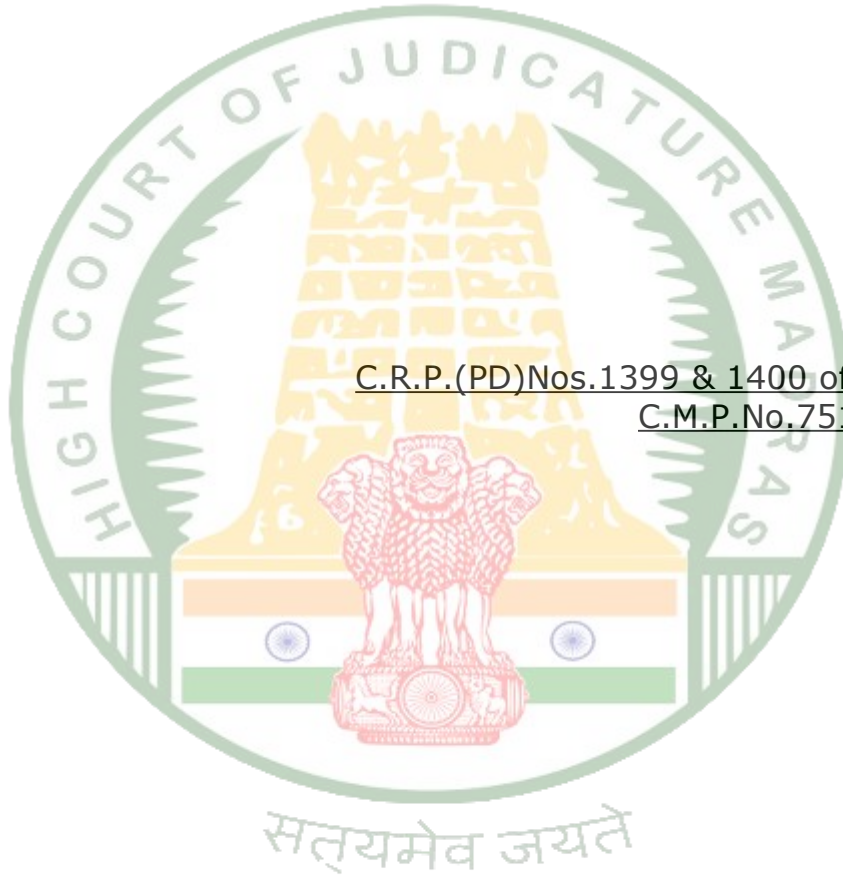
The Subordinate Court,
Gobichettipalayam.



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P.VELMURUGAN, J.,

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