

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28 .11.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P.(PD) Nos.3404 and 3405 of 2015

&

M.P.Nos.1, 1 of 2015

Pachamuthu ...petitioner in both C.R.P's

Vs.

1.Murugesan

2.Sundaresan

3.Vel Murugan ... Respondents in both C.R.P's

COMMON PRAYER : Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the fair and final order dated 29.06.2015 in I.A.Nos.1190 and 1191 of 2015 in O.S.No.531 of 2010 on the file of the II Additional District Munsif Court, Kallakurichi and allow the said I.A's.

For petitioner : Mr.A.Arun Babu
in both CRP's

For Respondents : No appearance
in both CRP's

ORDER

Heard both sides.

2. Though notice was served on the respondents herein/defendants 1 to 3 and their names also printed in the cause list, none appears on their behalf. Since the respondents have not chosen to appear either by themselves or through their counsels, it can only be presumed that they have no remarks to offer.

3. The case of the petitioner is that Ex.B11 was marked by the respondents herein after closing of their evidence by recalling D.W.1 and as such he sought for reopening and recalling D.W.1 for the purpose of cross examination. When Ex.B11 has been marked by the respondents herein by recalling D.W.1, after closing their evidence, in all fairness, the petitioner ought to be given a chance to examine D.W.1 on this document/evidence and as such, in my considered opinion, the petitioner can be given an opportunity to cross examine D.W.1.

4.The trial court also observed that the petitioner herein is trying to protract the proceedings by filing the present application. If that be the case, the said cross examination can be directed to be completed within a stipulated time, without incurring any further delay.

5.In the light of the above observations, the order dated 29.06.2015 in I.A.Nos.1190 and 1191 of 2015 in O.S.No.531 of 2010 are set aside. Consequently, the petitioner herein is permitted to cross examine D.W.1 in connection with Ex.B11. Such a cross examination shall be completed within a period of one week from the date of receipt of copy of this order.

6.With the above observations, the Civil Revision Petitions are allowed. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

28.11.2018

Index: Yes/No
Internet: Yes/No
mfa

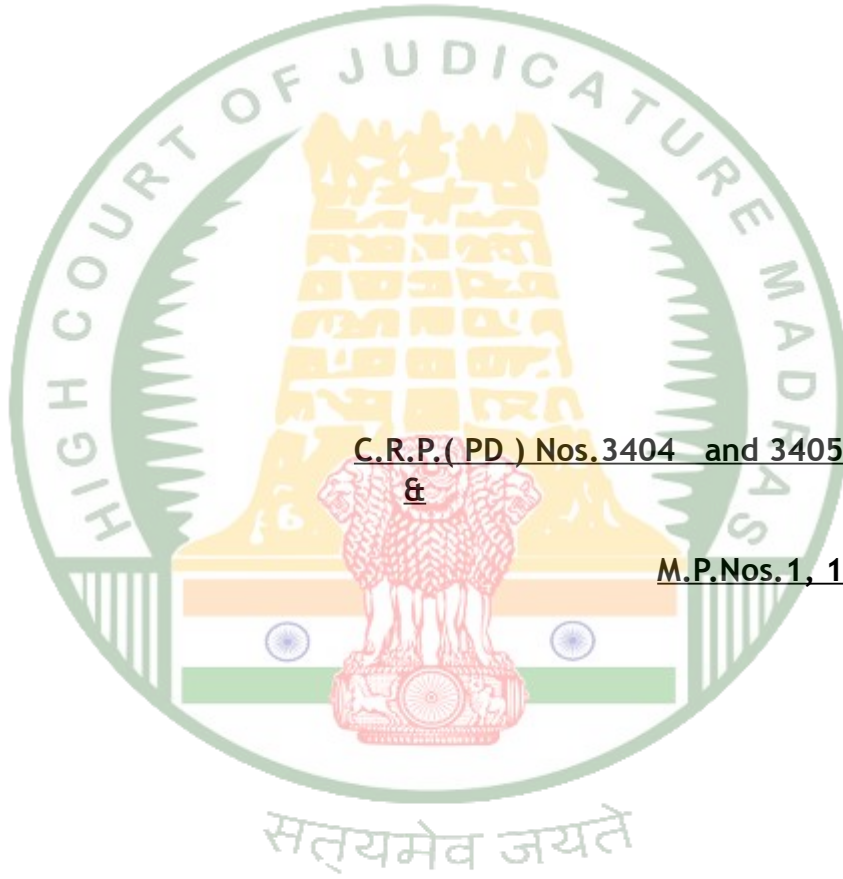
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To

The II Additional District Munsif Court, Kallakurichi.

M.S.RAMESH. J.,

mfa



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