

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 19.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P. (PD) Nos. 473 & 474 of 2015
and
M.P. No. 1 of 2015

V.Murugasen

...Petitioner in all CRPs

Vs

1. K.R.Thamaraj

2. Ramalingachokkavel

3. Sivalakshmi

...Respondents in all CRPs

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decretal orders dated 23.01.2015 made in I.A.Nos.96 and 97 of 2015 in O.S.No.288 of 2005 on the file of the District Munsif Court, Kangayam.

For Petitioner : Mr.V.Regunathan
in all CRPS

For Respondents : No Appearance

COMMON ORDER

The challenge in the present revisions is the rejection of the 3rd defendant's applications to recall DW2 and reopen the case.

2. The suit is for partition filed in the year 2005. On a perusal of the order under challenge, it is seen that the trial Court had rejected the applications on the ground that an opportunity to cross examine DW2 was already given and the present request is only for the purpose of proving the will, dated 21.03.2005. It is further seen that on the issue with regard to the will dated 21.03.2005, DW2 was extensively cross examined by the 1st defendant.

3. The present applications have been made by the 3rd defendant, who had purchased the property from the 1st defendant. As such, when the 1st defendant had chosen to extensively cross examine DW2, subsequent purchaser need not be given another opportunity to cross examine DW2, particularly, when the purpose for which the cross examination is sought for, has been made by the 1st defendant.

4. As such, I do not find any infirmity in the order of the trial Court in rejecting the applications. Hence, the present Civil Revision Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.12.2018

Index:Yes/No

Speaking order: Yes/No

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M.S.RAMESH.,J

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