

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

CRP No.2706/2018

and

CRP NO.2707/2018

U.Thandayuthapani

...Petitioner in both CRP's

Vs.

1. Sasikala

2. D.Nandini @ Ishwarya ...Respondents in both CRP's

Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decretal order dated 30.11.2017 made in I.A. Nos.961 and 962 of 2017 respectively in OS No.54 of 2011 on the file of Sub Court, Tiruchengode.

For Petitioner : Mr.N.Manokaran

COMMON ORDER

The second defendant is the revision petitioner. The suit has been laid by the respondents/plaintiffs for the reliefs of permanent injunction and mandatory injunction.

2. Materials placed on record go to show that the parties had adduced evidence in support of their case and the suit was adjourned for arguments and at that stage, the Revision Petitioner had laid applications to reopen and recall PW1 on the footing that some important questions were omitted to be put before PW1 during the course of cross examination and hence he should be recalled. The same had been resisted by the Respondents contending that already sufficient opportunity was given to the petitioner to cross examine PW1 and in such view of the matter, the present applications have been laid only to delay the proceedings further and sought for the dismissal of the applications.

3. The court below, on a consideration of the rival contentions put forth by the respective parties, noting that already PW1 had been cross-examined by the revision petitioner as well as other defendants in the suit in detail, noting that no sufficient cause had been adduced by the revision petitioner for recalling PW1 and further noting that the applications had been laid only with a view to stall the proceedings further

unnecessarily, accordingly taking into consideration all the abovesaid factors, dismissed the applications. Challenging the same, the present revision petitions have come to be laid.

4. On a perusal of the impugned orders of the court below, I find that the court below had taken into consideration all the relevant factors and accordingly noting the delay tactics adopted by the petitioner in stalling the proceedings, rightly dismissed the applications. In such view of the matter, I do not find any reason to interfere with the order of the court below.

5. In this connection, the counsel for the Petitioner, in support of his contentions, placed reliance upon the decision reported in (2011) 11 Supreme Court Cases 275 (K.K.Velusamy Vs. N.Palanisamy). The principles of law outlined in the abovesaid decision are taken into consideration and followed as applicable to the case at the hand.

6. Particularly, when the revision petitioner had not given any reason worth acceptance for reopening the matter and recalling PW1, it is found that the petitions are not liable to be entertained.

7. In conclusion, the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

bga

To

1. Sub Court, Tiruchengode.

+2cc to Mr. N.Manokaran, Advocate, S.R.No. 63311

CRP No.2706/2018
and
CRP NO.2707/2018

GN(28/09/2018)