

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 15.3.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.324 of 2018 and C.M.P.No.1769 of 2018

1 K.M.Karthikeyalu
2 K.M.Saravanabhava
3 K.M.Subramani
4 K.M.Srinivasalu
5 K.Prabhakar
6 N.Udayakumar
7 N.Gopi
8 N.Subramanyam

... Petitioners/Defendants

Vs

Sri Venugopalaswamy &
Balakrishnaswamy Mandiram
rep. by its Trustee
P.Chandriah Chetty

... Respondent/Plaintiff

सत्यमेव जयते

This Civil Revision Petition is filed under section 227 of Constitution of India against the fair and decretal order, dated 22.04.2015 made in I.A.No.439 of 2015 in O.S.No.260 of 2006 on the file of the District Munsif Court, Ponneri.

For Petitioner
For Respondent

: Mr.N.Jayabalan
: Mr.R.Muthuswamy

ORDER

According to the petitioner, the respondent has filed a suit in O.S.No.260 of 2006 for declaration and permanent injunction against the petitioners herein. The petitioners/defendants have filed an application in I.A.No.439 of 2015 to reopen and recall P.W.3 for further cross examination. The said application was dismissed by the court below. Challenging the said order, the defendants have preferred the present Civil revision petition before this Court.

2 After elaborate arguments, counsel for the respondent/ plaintiff fairly submitted that P.W.3 can be cross examined by the petitioner on a particular date. Counsel for the respondent further submits that an opportunity shall also be granted to the respondent to examine P.W.3, otherwise, petitioner unnecessarily delay the proceedings in the suit which was filed in the year 2006 and several applications were filed by the petitioners to drag on the proceedings. Therefore, this Court may fix a date for cross examination of P.W.3.

3 In view of the submissions made by the counsel for both side, by consent of both parties, this Court is inclined to pass the following order:

(i) The order passed by the learned District Munsif Court, Ponneri

in I.A.No.439 of 2015 in O.S.No.260 of 2006 is set aside.

(ii) Thiru Balasubramaniam, P.W.3 in the aforesaid suit, is directed to appear before the learned District Munsif, Ponneri on 26.3.2018 for further cross examination by the petitioners/defendants. The respondent/plaintiff is also permitted to examine P.W.3.

(iii) Both side counsel undertakes to cooperate with the court below for further cross examination of P.W.3 by the petitioners side, examination by the respondent side and to dispose of the suit.

(iv) The learned District Munsif is directed to dispose of the suit in O.S.No.260 of 2006 as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

The Civil revision petition is disposed of with the above directions. No costs. Connected miscellaneous petition is closed.

15.03.2018

Speaking/Non Speaking Order

Index: Yes/No

vaan

Note: Issue order copy on 20.3.2018

To

The District Munsif, Ponneri.

D.KRISHNAKUMAR,J.

vaan



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Dated: 15.3.2018