

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 483 of 2018
and
C.M.P NO. 2540 of 2018

1. Manivannan
2. Anandhan
3. Gurumurthy
4. Vennila

.. Petitioners

Vs

P. Ambaldevi

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.12.2017 made in I.A. No. 308 of 2016 in O.S. NO.480 of 2000 on the file of the Additional District Munsif Court , Alandur.

For Petitioners : Mr. N. Manokaran
For Respondent : Mr. B. Vijay

ORDER

This revision petition is filed against the fair and decreetal order dated 12.12.2017 made in I.A. No. 308 of 2016 in O.S. NO.480 of 2000 on the file of the Additional District Munsif Court , Alandur.

2. The learned counsel for the petitioners would submit that the respondent has filed the suit in O.S. No. 480 of 2000 for permanent injunction. The aforesaid suit was posted for examination of witnesses on the plaintiff's side. Subsequently, the respondent filed I.A. No.148 of 2016 to re-open the evidence and the same was allowed on 02.02.2017. However, she did not let in neither oral or documentary evidence. Again, the respondent filed I.A. No. 308 of 2016 to re-call PW-1 in the aforesaid suit. The said application was allowed by the court below. According to the petitioners, the respondent has filed the said applications only with an intention to drag on the proceedings. Though the suit is of the year 2000, the court below has erroneously allowed the Interlocutory Applications. Challenging the same, the present revision petition has been filed before this Court.

3. The learned counsel for the respondent would submit

that evidence of PW1 was over. At that stage, the instant application was filed to re-call the witnesses of PW1 and to take further examination in the aforesaid suit. The court below has rightly allowed the application. Therefore, the order of the court below is perfectly valid and does not warrant any interference.

4. Considered the submissions of the learned counsel for both sides and perused the material available on record.

5. The court below has considered the reasons stated in the affidavit while allowing the application and on payment of cost, has allowed the application. It is further observed that in order to give one more opportunity to the respondent, he was permitted to recall the witness of PW-1. Allowing the said application, would cause no prejudice to the petitioners. However, the respondent cannot prolong and delay the proceedings and shall co-operate with the court below, in disposal of the suit.

D. KRISHNAKUMAR J.,

6. In view of the above, this Court is inclined to direct the Court below to fix a particular date for appearance of PW-1 for marking of the documents. The said opportunity shall be granted by the trial court, within a period of three weeks from the date of receipt of a copy of this order.

7. The Civil Revision Petition is dismissed, with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.02.2018

Index : Yes/ No

Speaking order/ Non speaking order

{issue order copy on 21.03.2018}

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To

The Additional District Munsif Court ,
Alandur.

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and
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