

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

CRP (PD).Nos. 974 and 975 of 2018 and

C.M.P.No.5204 of 2018

S. Pandian ... Petitioner/Petitioner/Defendant
(in both the CRPs)

Vs.

K. Venkataraj ... Respondent/Respondent/Plaintiff
(in both the CRPs)

Prayer in CRP.No.974 of 2018: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the learned Subordinate Judge, Nilgiris, dated 15.12.2017 made in I.A.Nos.491 of 2017 in O.S.No.104 of 2014.

Prayer in CRP.No.975 of 2018: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the learned Subordinate Judge, Nilgiris, dated 15.12.2017 made in I.A.Nos.492 of 2017 in O.S.No.104 of 2014.

For Petitioner : Mr. E. Maragatha Sundari
(in both the CRPs) for Mr.R. Natarajan

For Respondent : Mr.R. Venkatachalapathy
(in both the CRPs)

COMMON ORDER

The respondent/plaintiff filed the suit in O.S.No.04 of 2014 against the revision petitioner for recovery of money. After completion of the trial, when the matter was posted for arguments, at that time the revision petitioner filed an applications to reopen the evidence of the plaintiffs side and another one to recall the evidence of PW1 for asking certain questions. The trial court dismissed the said applications after giving opportunity to the petitioner. Therefore, the revision petitioner has approached this Court by way of filing this revision petitions.

2. The main contention of the learned counsel for the petitioner is that the petitioner has filed certain document but he is not party to those documents hence he could not file the documents in earlier occasion. Therefore, it is necessary to recall the witnesses to ask certain questions and mark certain documents which is necessarily required to decide the suit.

3. The learned counsel for the respondent would submit that even after

<http://www.judis.pil.in> giving several opportunities to the respondent, he has not cooperated to

dispose the case and filing petitions one after another Therefore, this court need not interfere with the order passed by the learned Subordinate Judge, Nilgiris.

4. Heard both sides and perused the records.

5. Admittedly, the Income Tax Returns has been marked as Ex.P5 since the document has already been marked, if the evidence of the plaintiff is recalled, no prejudice would be caused to the respondent. However, full opportunity was given to the respondent for marking of the document but has not utilized the opportunity and thereafter, he filed the application for reopening the case and recalling the witness namely PW1 which caused much inconvenience to the respondent. However, in the interest of justice in order to give one more opportunity to the petitioner to substantiate his case, this court is inclined to allow the revision with certain condition.

6. Under above circumstances, the revision petitioner is directed to pay

<http://www.judis.pjc.in> a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the respondent on or

before 05.07.2018 and file a memo before the Trial Court. On 06.07.2018 and the trial court is directed to reopen the evidence of the plaintiff and the petitioner is directed to complete the cross examination of PW1 on 10.07.2018. PW1 is directed to appear before the trial court on 10.07.2018 without fail. The trial court is directed to conclude the trial and dispose of the main case on or before 31.07.2018, in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

25.06.2018

msm

Speaking Order : Yes/No

Index :Yes/No

Internet:Yes/No

To

The Subordinate Judge,
Nilgiris.

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P. VELMURUGAN, J.,

msm



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