

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

CRP.(PD)No. 2944 of 2018
and
C.M.P.No.17236 of 2018

M.Ganesan

...Petitioner

Vs

1.N.Rajeshwari

2.A.Prappa Anandhi

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the unnumbered memo in O.S.No.178 of 2009 dated 04.08.2018 on the file of the XVIII Assistant City Civil Court, Chennai.

For Petitioner : Mr.M.Arun

For Respondents :Ms.R.V.Gayatri

ORDER

The petitioner had filed an appeal in A.S.No.139 of 2014 challenging the ex-parte decree passed by the first Appellate Court remitting back the matter to the trial Court through the order dated 13.8.2015, with a direction to complete the suit proceedings within a period of three months, since the

evidences were closed in the suit, at the time when the petitioner was set ex-parte and was posted for arguments. The trial Court had passed the present impugned order stating that the re-examination of the witness was not warranted. I am unable to find any infirmity in the observation made by the trial court. When the matter was remitted back to the trial Court by the first Appellate Court, the suit would automatically be reverted back to the stage to which the suit stood on the date the petitioner was set ex-parte. It is not in dispute that the trial had completed and the suit was posted for arguments at that point of time. As such, the trial Court was justified in stating that the parties have to commence their arguments.

2. In view of the same, I do not find any infirmity in the order and hence the Civil Revision Petition stands dismissed. As observed by the First Appellate Court, the trial Court shall give opportunities to both the parties at the stage of arguments. Consequently, connected miscellaneous petition is closed. No costs.

WEB COPY 27.11.2018

Index: Yes/No

Internet: Yes/No

vsn/dh

To

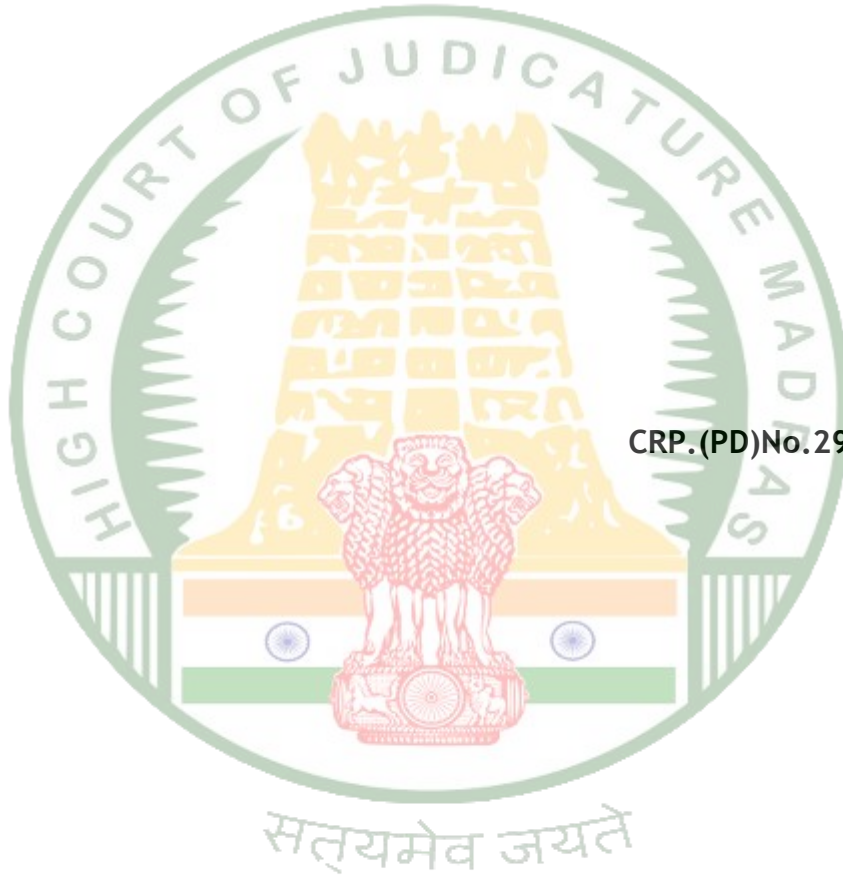
The XVIII Assistant City Civil Court,
Chennai.



WEB COPY

M.S.RAMESH. J.,

vsn/dh



CRP.(PD)No.2944 of 2018

WEB COPY

27.11.2018