

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (PD) No. 3786 of 2018

and

C.M.P. No. 21104 of 2018

1. Parvathi

2. Saravanan

...Petitioners

Vs

Ele Farms,
Rep. by its Managing Director,
Devadoss, S/o.Raghava Reddi,
No.130, T.H.Road, Kaladipet,
Thiruvottriyur,
Chennai - 600019.

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of dismissal passed in I.A.No.584 of 2018 in O.S.No.1 of 2005 on the file of the learned Subordinate Judge, Ponneri, Thiruvallur District.

For Petitioner : Mr.T.P.Sekar

ORDER

The petitioners herein have filed a memo stating that after filing of the Civil Revision Petition, the 1st petitioner herein expired on 19.11.2008. The death of the 1st petitioner herein is recorded and the 2nd petitioner herein is granted liberty to take steps for bringing the representatives of the first petitioner herein on record, before the trial Court.

2. The reasoning of the Court below that the petitioner was earlier given an opportunity to re-call, re-open and re-examine the respondent witness on 21.12.2012 and that the petitioner herein had not cross examined his witnesses for the past six years, seems to be unacceptable, when due opportunities were already granted to the petitioner herein. When the case was at the stage of arguments, another application at this belated stage may not deserve consideration. As such, I do not find any infirmity in the order of the trial Court.

3. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

03.12.2018

Index:Yes/No
Speaking Order: Yes/No
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M.S.RAMESH.,J

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