



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2018

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**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.R.P. (MD)No.1639 of 2017 (PD)

and

C.M.P.(MD).No.9192 of 2017

1.T.Pappammal

2.Karthikairani

3.Gnanasoundari

4.Devi

5.N.Karnan

6.A.Subramaniyan

.. Petitioners /  
Petitioners / Defendants  
1, 2 & 4 to 7

Vs.

1.Ramya

.. 1<sup>st</sup> respondent /  
1<sup>st</sup> respondent / Plaintiff

2.Selvi

.. 2<sup>nd</sup> defendant /  
2<sup>nd</sup> respondent / 3<sup>rd</sup> defendant

(R2 is given up in this petition)

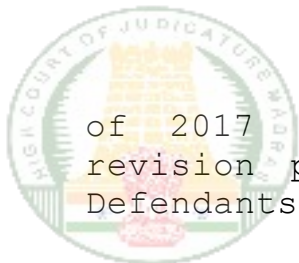
**PRAYER:** Petition filed under Article 227 of the Constitution of India, praying to set aside the order, dated 14.09.2017, passed in I.A.No.140 of 2017 in O.S.No.41 of 2013, by the learned Additional District Judge (Fast Track Court), Ramanathapuram and to allow the petitioners to lead their evidence in the above original suit for the interest of justice and equity.

For petitioner : Mr.R.R.Thamothar Raj

For 1<sup>st</sup> respondent : Mr.R.Murugan

**ORDER**

<https://hcservices.ecourt.gov.in/hcservices/>  
Challenging the order passed by the learned Additional District Judge (Fast Track Court), Ramanathapuram, in I.A.No.140



of 2017 in O.S.No.41 of 2013, dated 14.09.2017, this civil revision petition has been filed by the revision petitioner / Defendants.

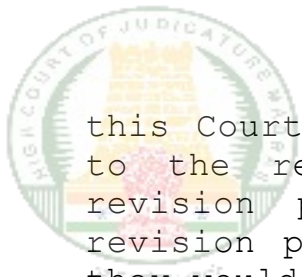
2. It is stated in the petition that the revision petitioners had filed an application in I.A.No.139 of 2017 for reopening the evidence of the 1<sup>st</sup> revision petitioner / D1 and the same was allowed with cost on 13.09.2017 and the learned Judge had directed the 1<sup>st</sup> revision petitioner herein to lead her evidence on the very next day ie., on 14.09.2017. But, on 14.09.2017, the 1<sup>st</sup> revision petitioner suffered with fever and other health issues, and she was not in a position to appear before the Court and therefore, the revision petitioners have filed an application in I.A.No.140 of 2017 seeking to adjourn the case for two weeks. The Court below has dismissed the same stating that the revision petitioners filed the said application only to prolong the matter. Aggrieved by the order passed in I.A.No.140 of 2017, the revision petitioners are before this Court with this civil revision petition.

3. The learned counsel for the revision petitioners would submit that due to ill-health, the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant, who is aged about 75 years, could not appear before the Court below and therefore, the said application has been filed seeking adjournment of the case, but the trial Court, without considering the age and health condition of the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant, has dismissed the said application with cost. Thus, he prayed to set aside the order passed by the Court below.

4. The learned counsel appearing for the 1<sup>st</sup> respondent herein / plaintiff would submit that the revision petitioners urged for the reopening of the evidence of the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant by filing an application and therefore, the Court below has directed the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant to appear before the Court on the next day ie., on 14.09.2017 for examination. But, the revision petitioners did not avail such opportunity and adopted their usual dilatory tactics and therefore, the Court below has dismissed the said application with cost. There is no reason to interfere with the order passed by the Court. Thus, he prayed for dismissal of the civil revision petition.

5. Heard the learned counsel appearing for the revision petitioners and the learned counsel appearing for the 1<sup>st</sup> respondent and perused the records carefully.

6. It is seen that the revision petitioners are adopting some dilatory tactics. The attitude of the revision petitioner is ~~not to be commended~~. However, considering age of the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant and the reason stated by the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant and also in the interest of justice,



this Court is of the view that one more opportunity may be given to the revision petitioners. The learned counsel for the revision petitioners, on instructions, would submit that the revision petitioners would not file any other petitions and that they would cooperate with the suit proceedings.

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7. At this juncture, the learned counsel for the 1<sup>st</sup> respondent / plaintiff would submit that now all the evidences are over and therefore, the Court below may be directed to dispose of the suit within a stipulated time.

8. In view of the above, this civil revision petition is allowed and the order impugned in this petition is set aside and the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant is directed to appear and depose evidence before the Court below within 10 days from the date of receipt of copy of this order. If the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant fails to appear before the Court within 10 days, this revision petition will stand automatically dismissed, without any further reference to this Court. Since it is represented by the learned counsel for the 1<sup>st</sup> respondent / plaintiff that all the evidences are over, the Court below is directed to dispose of the suit within a period of one month from the date of the evidence of the 1<sup>st</sup> revision petitioner / 1<sup>st</sup> defendant. Both the parties are directed to cooperate with the proceedings. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

The Additional District Judge  
(Fast Track Court),  
Ramanathapuram.

+1CC TO M/S.R.MURUGAN, ADVOCATE, SR NO.44704

C.R.P. (MD)No.1639 of 2017 (PD)  
29.01.2018

gcg

**MS/CM-VR/SAR.4/01.02.2018/3P.3C**