



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.02.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) Nos.2274 and 2275 of 2017 (PD)
and

CMP (MD) No.11047 of 2017

V.Tamilarasi ... Revision Petitioner/Petitioner/Defendant
in both the petitions

Vs.

S.Ramesh ... Respondent/Respondent/Plaintiff
in both the petitions

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 23.10.2017 made in I.A.Nos.762 & 763 of 2017 in O.S.No.313 of 2010 on the file of the Principal Subordinate Judge, Karur and allow the Civil Revision Petitions.

For Petitioner : Mr.K.Suresh

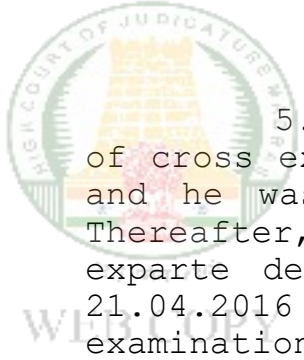
COMMON ORDER

These Civil Revision Petitions have been filed challenging the fair and decreetal order made in I.A.Nos.762 & 763 of 2017 in O.S.No.313 of 2010 on the file of the Principal Subordinate Judge, Karur dated 23.10.2017.

2. The petitioner/defendant filed applications to reopen and recall the evidence of PW1/ Respondent/Plaintiff for making further cross, on the foot of Income Tax Returns submitted by the respondent/plaintiff.

3. After hearing both sides, the trial Court has dismissed the applications in I.A.Nos.762 & 763 of 2017, aggrieved by which, the present Civil Revision Petition has been filed by the defendant.

4. The case of the petitioner is that the petitioner filed applications to reopen and recall PW1 for further cross examination on the basis of Income Tax Returns. Admittedly, a memo was filed by this petitioner requesting the respondent to produce his PAN card and Income Tax Returns. By complying with the Court's direction, the respondent had produced the PAN card and all those Income Tax Returns for all the years except 2016-2017. Under these circumstances, the memo was ordered to be closed on 04.09.2017. After closing the memo, the suit stood posted for the petitioner's side evidence and at this background the present petitions have been filed to reopen and recall P.W.1 for further cross examination.



5. Perusal of records shows that earlier during the course of cross examination, the petitioner has not appeared on 29.04.2014 and he was set exparte and a decree was passed on 30.04.2014. Thereafter, the petitioner filed an application to set aside the exparte decree and that was allowed on 01.04.2016. Again, from 21.04.2016 to 27.09.2016, it has been adjourned for cross examination. The suit has been referred to Lok Adalath on 30.09.2016 and was not settled before Lok Adalath and it was again referred back to the Court for cross examination of P.W.1 and P.W.2 and finally on 07.08.2017, the cross examination were made in full even touching upon the source of income of the plaintiff, which are all admitted fact. The above attitude of the petitioner goes to show that his intention is only to protract the proceedings. Therefore, in my considered opinion the order passed by the Learned Trial Judge, does not warrant interference.

6. In the result, finding no merit, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Karur.

+1cc to M/S.K.Suresh, Advocate SR.No. 49239

C.R.P(MD)Nos.2274 and 2275 of 2017 (PD)

15.02.2018

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JM/KKR/SAR 2/07.03.2018/2P/3C