



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (MD) Nos.903 and 904 of 2017
and

C.M.P. (MD) .No.3969 of 2017 in C.R.P. (MD) .No.903 of 2017

Jothi .. Petitioner/Petitioner/ 2nd Defendant
in both petitions

vs.

1.Chellakumar
2.Shanmugasundara Bharathi .. Respondents/Respondents/Plaintiffs
in both petitions

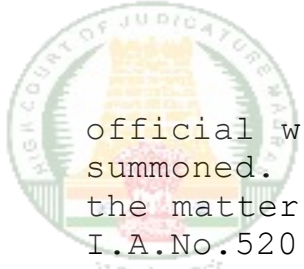
Common Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal orders, dated 23.02.2017, made in I.A.Nos.520 and 521 of 2016 in O.S.No.78 of 2012 on the file of the learned Additional Subordinate Judge, Tirunelveli, Tirunelveli District.

For Petitioner : Mr.V.Kannan
in both petitions

For Respondents : Mr.H.Arumugam
in both petitions

COMMON ORDER

The second defendant in O.S.No.78 of 2012, on the file of the learned Additional Subordinate Judge, Tirunelveli, Tirunelveli District is the revision petitioner in these two petitions. The suit was filed by the sons of the first defendant impeaching the validity of the sale deed, dated 29.04.2010, executed in favour of the revision petitioner herein. The suit was filed in the year 2012. But the trial commenced only in the year 2015. The plaintiffs' side examination was closed on 10.03.2016. Thereafter, the revision petitioner herein examined himself on 18.03.2016 and he was cross-examined on 29.04.2016. The petitioner herein wanted to examine the official witness and filed an application in that regard. It appears that the said application suffered from certain defects leading to its being returned. The learned counsel for the petitioner submits that the petitioner was not aware of the said fact. When the matter was taken up on 09.08.2016, the said



official witness was obviously not present as he was not formally summoned. The Court below closed the defendants' side and posted the matter for arguments. Therefore, the revision petitioner filed I.A.No.520 of 2016 for reopening the defendants' side and I.A.No.521 of 2016 for examining two more witnesses. The Court below dismissed the said IAs. This has given rise the filing of two civil revision petitions.

2. Heard the learned counsel on either side.

3. The learned counsel for the respondent pointed out that there is absolutely no substance in the request made by the revision petitioner and that the examination of those witnesses is not going to have any relevance at all for the issues raised in the suit.

4. This Court is of the view that since the revision petitioner cannot be said to have dragged on the proceedings, interest of justice would be better served by reopening the defendants' side and by permitting him to examine two more witnesses on his side. In this view of the matter, the orders impugned in these civil revision petitions stand set aside.

5. At this juncture, the learned counsel for the respondents/plaintiffs submits that a direction may be given to the Court below for speedy disposal of the suit. Hence, the learned Additional Subordinate Judge, Tirunelveli, Tirunelveli District is directed to conclude the entire suit proceedings in O.S.No.78 of 2012, within a period of five months from the date of receipt of a copy of this order.

6. With the above direction with regard to the conclusion of the suit proceedings, these Civil Revision Petitions stand allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Additional Subordinate Judge,
Tirunelveli,
Tirunelveli District.



2. The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

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+ 1 cc TO Mr.H.Arumugam , Advocate in SR No. 77876
+ 2 ccs TO Mr.V.Kannan , Advocate in SR No. 77596,77597

PJL

AE/MK/SKN/SAR1/03.09.2018/3P/7C

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and 904 of 2017
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