



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (PD) (MD) No.1422 of 2018
and
CMP (MD) No.6112 of 2018

Balakrishnan ... Petitioner/Petitioner/2nd defendant

Vs.

1.Karuppiah

2.Ramaiah ... Respondents 1 & 2/Respondents 1 & 2
/Plaintiffs 1 & 2

3.Mariammal ... 3rd Respondent/
3rd Respondent/
1st Defendant

4.Ammasi

5.Arumugam

6.Kannan

7.Malairaj ... Respondents 4 to 7
/Respondents 4 to 7
/Defendants 3 to 6

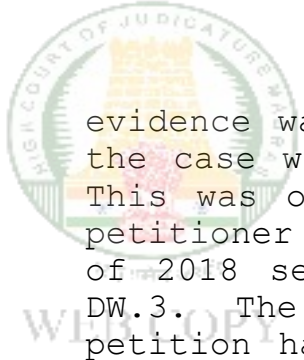
Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A No.189 of 2018 in O.S No.33 of 2013 on the file of the District Munsif Court, Paramakudi.

For Petitioner : Mr.H.Thayumanaswamy

For Respondents : Mr.C.M.Arumugam for R1 & R2
M/s.G.Prabahari for R4 to R7
R3 - No appearance

ORDER

The second defendant in O.S No.33 of 2013 on the file of the District Munsif Court, Paramakudi is the revision petitioner herein. This is a suit for declaration and permanent injunction. There are totally 6 defendants in the suit. The third defendant's side



evidence was over. Thereafter, at the instance of the plaintiffs, the case was re-opened and the third defendant was cross examined. This was on 05.02.2018. Thereafter, on 12.02.2018, the revision petitioner who is the second defendant in the suit filed I.A No.189 of 2018 seeking permission to re-open and cross examine the said DW.3. The court below by the order impugned in this civil revision petition has dismissed the said I.A. Questioning the same, this civil revision petition has been filed.

2. Heard the learned counsel on either side.

3. It is seen that the third defendant was cross examined on 05.02.2018 at the instance of the plaintiff. The present application for re-opening and re-call of the said D.W 3 was filed on 12.02.2018 which is hardly a week later. Therefore, the revision petitioner herein cannot be said to have in any way prolonged the matter. When the plaintiff was given an opportunity to cross examine the said D.W 3, it is proper that the petitioner is also permitted to do so. In this view of the matter, the order impugned in this civil revision petition is set aside.

4. The learned counsel appearing for the respondents pointed out that the case which was filed in the year 2013 hanging at the stage of arguments. Therefore, the court below shall dispose of the suit within a period of three months from the date of receipt of a copy of this order. This civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The District Munsif, Paramakudi.

- 1 CC TO Mr.H.THAYUMANASWAMY , ADVOCATE IN SR No. 90445.
- + 1 CC TO M/s.G.PRABAHARI , ADVOCATE IN SR No.90268.

SKM

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