



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WEB COPY C.R.P. (MD) (PD) .Nos.2158, 2159 and 2572 of 2016
and
CMP (MD) .Nos.10079, 12176 of 2016

CRP (MD) (PD) .Nos.2158 & 2159 of 2016

1.Muniyandi
2.Valliyammai
3.Maheswari

4.Minor Thenmozhi

(fourth petitioner is represented by
her mother and guardian third petitioner)

...Petitioners in both petitions

Vs.

Kathiresan

...Respondent in both petitions

COMMON PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.08.2016 passed in I.A.No.89, 90 of 2016 in O.S.No.7 of 2013 on the file of the Principal District Judge, Pudukkottai and to allow this Civil Revision Petition.

For Petitioners : Mr.G.Sridharan

For Respondent : Mr.K.P.Narayanakumar
(In both petitions)

CRP (MD) (PD) .No.2572 of 2016

Kathiresan

...Petitioner

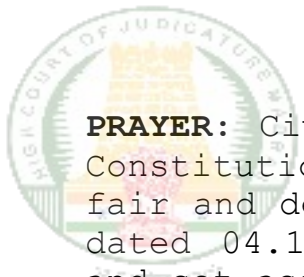
Vs.

1.Muniyandi
2.Valliyammai
3.Maheswari

4.Minor Thenmozhi

(fourth respondent is represented by
her mother and guardian third respondent)

...Respondents



PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the fair and decreetal order in I.A.No.172 of 2016 in O.S.No.7 of 2013 dated 04.11.2016 passed by Principal District Judge, Pudukkottai and set aside the same.

WEB COPY

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.G.Sridharan

COMMON ORDER

O.S.No.7 of 2013 was filed by one Kathiresan against the legal heirs of one Mani before the learned Principal District Judge, Pudukkottai. It is a suit for money. The suit was laid on the strength of pronote said to have been executed by the said Mani. The defendants denied the execution of such pronote. After the evidence was concluded on either side, the defendants filed I.A.No. 89 of 2016 and I.A.No.90 of 2016 for re-opening their side and for recalling P.W.1 and P.W.2 for further cross-examination. The said interlocutory applications were dismissed by order dated 30.08.2018. The same is questioned in CRP(MD).Nos.2158 and 2159 of 2016. The defendants also filed I.A.No.172 of 2016 for getting the leave of the Court below for filing additional written statement. The Court below allowed the said interlocutory application. The plaintiff questioned the correctness of the said impugned order by filing CRP(MD)(PD).No.2572 of 2016. The order passed by the Court below granting leave to file additional written statement is discretionary in nature. I do not propose to interfere. Therefore, CRP(MD)(PD).No.2572 of 2016 is dismissed.

2.The learned counsel appearing for the defendants submits that certain aspects, which were not originally set out in the plaint, have been spoken to in the cross examination. In that regard, the defendants seek to elucidate the matter by subjecting the witness to further cross-examination. The learned counsel appearing for the defendants submits that the defendants would confine themselves to such further cross-examination and mark certain documents through P.W.1. In other words, the defendants will not seek to adduce further evidence on their own.

3.This undertaking is recorded. In that view of the matter, the orders impugned in CRP.(MD).(PD).Nos.2158 & 2159 of 2016 are set aside and these Civil Revision Petitions are allowed. The Court below shall dispose of the suit itself, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

sd/
Assistant Registrar(T&P)

/True Copy/



To

1. The Principal District Judge, Pudukkottai.

2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1cc to MR.K.P.NARAYANA KUMAR, Advocate in SR.No. 83851

+3ccs to MR.G.SRIDHARAN, Advocate in SR.No. 83249 TO 83251

rmk

DS/RP/SAR3/27.10.2018/3P/8C

C.R.P. (MD) (PD) .Nos.2158, 2159

and 2572 of 2016

and

CMP (MD) .Nos.10079, 12176 of 2016

10.09.2018