



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 07.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (PD) (MD) .No.2244 of 2016

and

C.M.P. (MD) No.10406 of 2016

- 1.G.Kuthabaksh (Died)
- 2.K.Haseena Banu
- 3.K.Shaina Banu

(Petitioners 2 and 3 brought on record as the
Lrs of deceased first petitioner, vide Court
order dated 13.02.2017 made in C.M.P. (MD) No.1356 of 2017
in C.R.P. (MD) No.2244 of 2016 by VMVJ)

... Petitioners

Vs.

- 1.K.Saleem
- 2.K.Haleem
- 3.K.Nayeem

4.Tamilnadu Industrial Investment
Corporation Ltd.,
Represented through its Managing Director,
Annasalai, Nandhanam,
Chennai-35.

5.Tamilnadu Industial Investment Corporation Ltd.,
represented through its Branch Manager,
No.3, Vaigai Colony,
Anna Nagar, Madurai-20.

6.R.Kannan
(R6 is impleaded, vide Court order dated 01.08.2017 made in
CMP (MD) 6152 of 2017 in CRP (md) 2244 of 2016 by TRNJ)

... Respondents

PRAYER : Petition filed under Article 227 of Constitution of India,
against the fair and Ex-order dated 06.09.2016 passed in I.A.No.465
of 2016 in O.S.No.435 of 2005 on the file of the III Addiitonal Sub
Court, Madurai.

For petitioners : Mr.M.Ponniah

For R1 to R3 : Mr.S.M.A.Jinnah

For R4 and R5 : Mr.N.Karuppasamy,
Government Advocate.

For R6 : Mr.D.Nallathambi



ORDER

The revision petitioners are legal representatives of the third defendant in O.S.No.435 of 2005 on the file of the III Additional Sub Court, Madurai. The third defendant had taken out I.A.No.465 of 2016 for recalling DW3, for further examination. The same was dismissed by order dated 06.09.2016. Questioning the same, this Civil Revision Petition has been filed.

2.Though, the observations and findings of the Court below as set out in the order impugned in this Civil Revision Petition are quite right, I am of the view that to render substantial justice, the petitioner can be given one more opportunity.Accordingly, the order impugned in this Civil Revision Petition is set aside and this Civil Revision petition is allowed.

3.The learned counsel for the revision petitioners submitted that on the day the witness is recalled, he would complete the entire cross examination and he will not drag on the proceedings. The Hon'ble Division Bench of this Court, by order dated 02.12.2014 in W.A.(MD)Nos.1743 and 1744 of 2014 had directed that all the six suits shall be clubbed together and a joint trial shall be undertaken.

4.Even though a direction has given for speedy disposal, in view of the interim order granted in this Civil Revision Petition, the suits could not be disposed of. The Court below is directed to dispose of all the six suits within a period of four months from the date of receipt of a copy of this order.

5.Accordingly, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.III Additional Sub Court,
Madurai.

2.Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

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and

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