



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .No.2326 of 2016

and

C.M.P. (MD) No.10730 of 2016

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1. Mookkayee
2. Raman
3. Ponnupillai
4. Seethalakshmi
5. Valarmathi

... Revision petitioners/Petitioners/
Plaintiffs

Vs.

1. Vimala
2. Solaimalaian

... Respondents/Respondents/
Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 07.09.2016 passed in I.A.No.295 of 2016 in O.S.No.39 of 2014 by the learned V Additional District Judge, Madurai, by allowing this Revision petition.

For Petitioners : Mr.K.Chenguttuvan

O R D E R

The Revision petitioners are the plaintiffs in O.S.No.39 of 2014 on the file of the learned V Additional District Judge, Madurai.

2. It is a suit for declaration, injunction and for certain consequential reliefs. The plaintiffs adduced evidence by examining P.W.1. It appears that during the course of cross examination, the said P.W.1 gave some suicidal answers. Therefore, the present I.A.No.295 of 2016 was filed for recalling the said P.W.1. The Court below by the impugned order dated 07.09.2016 dismissed the said application. Assailing the correctness of the said order, this Civil Revision petition has been filed.

3. The learned counsel appearing for the Revision petitioners reiterated the contentions set out in the grounds. This Court is unable to agree with the submissions of the Revision petitioners' counsel. As rightly pointed out by the Court below, the Revision petitioners cannot be allowed to overcome the adverse admissions made by P.W.1 during the course of cross examination. The object of filing the recall petition cannot be to cover such lacuna or lapses.



4. The reasons assigned by the Court below for dismissing the I.A., in question are sound and acceptable. This Court finds no reason to interfere with the order impugned in the Civil Revision petition.

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5. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The V Additional District Judge,
Madurai.
2. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

PMU

VB/RSK/SAR2/06.09.2018/2P/4C

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