



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.09.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.PD[MD]Nos.1812 & 1813 of 2018
and
C.M.P.[MD]No.7928 of 2018

Elangovan : Petitioner in both C.R.Ps.

Vs.

1.R.Somasundari
2.N.Bagavathi Priya : Respondents in both C.R.Ps.

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order passed in I.A.Nos.811 and 812 of 2017 in O.S.No.238 of 2012 dated 17.01.2018 on the file of the learned Second Additional Subordinate Judge Court at Nagercoil and begs to allow the same as prayed for.

For Petitioner : Mr.K.Vamanan
For Respondents : Mr.N.Mohamed Asif
[In both C.R.Ps.]

COMMON ORDER

The revision petitioner is the plaintiff in O.S.No.238 of 2012 on the file of the II Additional Subordinate Court, Nagercoil. It is a suit for specific performance. After the plaintiff side examination was closed, he filed applications for re-opening and for re-calling. The same were allowed. But the revision petitioner failed to avail the opportunity. Therefore, he took out such applications for the second time. The Court below by the impugned orders dated 17.01.2018 dismissed the said applications. Hence, these Civil Revision Petitions have been filed.

2.The learned Counsel appearing for the respondents pointed out that the Court below rightly dismissed the Interlocutory Applications filed by the revision petitioner and that the impugned orders do not call for any interference.

3.Normally, this Court would not interfere with such orders. But, it is seen that the Court below has shown some indulgence on an earlier occasion. The revision petitioner would submit that he could not avail that opportunity only on account of Ochki cyclone. Though, the Court below has disbelieved the revision petitioner's



version, I am of the view that one more opportunity can be given to the revision petitioner. This is because he is himself the plaintiff in the suit. In this view of the matter, the orders impugned in these Civil Revision Petitions are set aside.

4. The Civil Revision Petitions are allowed, accordingly. The suit is of the year 2012. The Court below shall dispose of the suit proceedings within a period of six [6] months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

The II Additional Subordinate Court,
Nagercoil.

+1CC to Mr.K.Vamanan, Advocate, SR.No.86948

+1CC to Mr.N.Mohamed Asif, Advocate, SR.No.87225

C.R.P.PD[MD]Nos.1812 & 1813 of 2018
25.09.2018

MR

ES/SKN/RSK/SAR 4/25.10.2018/2P/4C