

HONOURABLE SRI JUSTICE N. BALAYOGI

CIVIL REVISION PETITION Nos.5106 AND 5118 of 2018

COMMON ORDER:

The petitioner in both these Revisions is one and the same and therefore, both the Civil Revision Petitions are disposed of through a common Order.

2. This Revision Petition No.5106 of 2018 is against the orders dated:20.6.2018 in I.A.No.108 of 2018 in I.A.No.285 of 2017 in O.S.No.36 of 2015 on the file of the Junior Civil Judge at Railway Kodur.

The petitioner also filed Revision Petition No.5118 of 2018 against the orders dated:20.6.2018 in I.A.No.109 of 2018 in I.A.No.456 of 2017 in O.S.No.36 of 2015 on the file of the Junior Civil Judge at Railway Kodur.

3. The High Court by its Order dated:20.09.2018 disposed of the Civil Revision Petition No.5110 of 2018 finding that passing such an order without appreciating the contention raised by the petitioner is an illegality committed by the trial Court. The reasons stated in all the applications is one and the same.

4. I.A.No.457/2017 was filed to recall D.W.2 for cross-examination, I.A.No.456/2017 was filed to reopen the matter enabling to recall DW.2 and re-entrust warrant to the Advocate Commissioner. I.A.No.285/2017 was filed to re-entrust warrant to the Advocate Commissioner. The reasons stated in all the above I.As is one and the same and they were all dismissed on 20.6.2018, on the same day.

Contd..P.2.

Therefore, the docket order dated:20.6.2018 in all the I.As is illegal as the Trial Court without considering the reasons stated dismissed the said Application/s. Hence, in view of the orders dated:20.09.2018 in Civil Revision Petition No.5110/2018, the docket order dated:20.6.2018 in I.A.No.108 of 2018 in I.A.No.285 of 2017 in O.S.No.36 of 2015 and also the docket order dated:20.6.2018 in I.A.No.109 of 2018 in I.A.No.456 of 2017 in O.S.No.36 of 2015 are set aside while remanding the petition/s to the Trial Court to decide I.A.No.108 of 2018 and I.A.No.109 of 2018 afresh after considering the grounds urged in the petition-affidavit filed i.e., I.A.No.108 of 2018 and I.A.No.109 of 2018, in accordance with law.

5. With the above observations and in view of the orders dated:20.09.2018 in Civil Revision Petition No.5110/2018, the present two Civil Revision Petitions are disposed of at the stage of admission.

Pending Miscellaneous Petitions, if any, shall stand closed.

JUSTICE N. BALAYOGI

Dated: 15-12-2018

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Dated:15-12-2018

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