

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

Civil Revision Petition No.5973 of 2018

Order:

The petitioner, who is the 14th defendant in the suit, has come up with the above revision challenging a docket order dated 13-4-2018.

2. The docket order passed on 13-04-2018 reads as follows:

“Defendant reported ready. PW.1 absent. PNR at request time. No reasons has been explained. It is not a fit case to grant further time, since the plaintiff has availed all the opportunities available in the code to get the matter adjourned from time to time. Hence, granting further time is rejected and plaintiff evidence is closed. For defendants evidence posted to 27-04-2018 without fail.”

3. We do not know what is wrong with this order. If the plaintiffs' evidence is closed for the default on the part of P.W.1 to appear, then the remedy of the defendants is something else. According to the learned counsel, the only course of action open to the Court in such cases is to pass orders under Order IX, as directed under Order XVII, Rule 2 CPC.

4. But that is only an option. In fact, there are many ways by which the defendants could take advantage the plaintiffs' absence after P.W.1 was cross-examined partly. Instead of taking all that, the petitioner, who is a legal practitioner, has come up with a legal query. I do not see any irregularity or illegality in the docket order of the Court below.

Therefore, the revision is dismissed. Pending applications,
if any, shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

26th October, 2018.
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