

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2019

Coram

The Honourable Ms. Justice P.T.ASHA

C.R.P.(PD).No.450 of 2019

1.S.Ravichandran
2.R.Vijayakakshmi

... Petitioners

Versus

Mannaidevan

... Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 26.11.2018 passed in I.A.No.267 of 2018 in O.S.No.99 of 2011 on the file of the District Munsif cum Magistrate, Nidamangalam.

For Petitioner : M/s.A.B.Reehana Begam

ORDER

The above Civil Revision Petition is filed challenging the order of the learned District Munsif cum Magistrate, Nidamangalam passed in I.A.No.267 of 2018 in O.S.No.99 of 2011, in and by which the learned District Judge has dismissed the application filed by the plaintiff to reopen the case.

2. The affidavit which was filed in support of the said petition spells out no reason whatsoever for reopening of the case. After the suit was posted for the evidence of PW1 on 25.01.2018 and after several adjournments, it was posted on 12.02.2018, on which date, the application was dismissed for default in view of non-appearance of the plaintiff as well as his counsel. Thereafter, the suit was restored to file on an order passed in I.A.62 of 2018. Once again the matter was taken on file and several adjournments were given.

3. On 18.06.2018, the first plaintiff had examined himself as PW1 and marked Ex.A1 to A10. Thereafter, the matter was adjourned on nine occasions for P.W.1's cross-examination and the plaintiff did not appear. Finally, on 13.08.2018, cross examination of the plaintiff was concluded and the matter was posted for evidence on the side of the defendant. The defendant had examined himself as D.W.1 in chief and marked Ex.B1 and B2. The cross-examination was adjourned on five occasions and on 24.09.2018, a part of cross-examination was done and on 22.10.2018 he was cross examined in full.

4. On 25.10.2018 the defendants had reported that they have no further evidence and the matter was adjourned on two occasions for the arguments i.e., on 1.11.2018 and 08.11.2018 at this stage, the

present application has been filed to reopen the case for cross-examination of PW.1

5. Considering the above facts, this Court finds that there is no merit in the said application and the learned District Munsif cum Magistrate, Nidamangalam had rightly dismissed the said Interlocutory application. Consequently, the Civil Revision petition stands dismissed. No costs.

11.02.2019

jrs

Index : Yes/No
Internet: Yes/No
Speaking Order/Non-speaking Order

To
The learned District Munsif cum Magistrate,
Nidamangalam.

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P.T.ASHA, J.,
jrs



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