

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.732 of 2019

and

C.M.P.No.4745 of 2019

C.G. Ravanammal ... Petitioner

Vs

1.Lakshmi Narayanan

2.Balajee & Co.,
Auctioneer and Estate Agents,
No.160, Thambu Chetty Street,
II Floor, Opp. To High Court,
Chennai- 600 001. ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 03.11.2018 passed in I.A.No.10385 of 2018 in O.S.No.2173 of 2012 on the file of the learned VII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.T.R. Sundaram

ORDER

The above Civil Revision Petition is filed seeking to recall and reopen the evidence of D.W.1 for the purpose of cross examination on the side of the plaintiff in the above suit.

2. Without going into the merits of the suit, it would suffice to narrate the conduct of the revision petitioner and the reasons for filing the impugned petition. It is seen from the counter filed by the respondents to the impugned petition that originally the matter was posted for D.W.1's cross examination and since the plaintiff/revision petitioner did not come forward to cross examine D.W.1 despite several opportunities, the cross examination of D.W.1 was closed. Thereafter, the revision petitioner filed two applications in I.A.Nos.19259 and 19260 of 2014 for reopening the evidence and for recalling D.W.1. It is seen that the respondents had endorsed "No Objection" and the said applications were allowed on 23.03.2015 and once again, the matter was being adjourned frequently for the plaintiff to

cross examine DW1 which she did not proceed with. Thereafter, the evidence was closed. Once again the revision petitioner had filed two applications in I.A.Nos.14826 and 14828 of 2015 for reopening and recalling D.W.1. These applications were also allowed on payment of costs and that the plaintiff once again did not cross examine the witnesses and the Court was pleased to close the evidence on 08.04.2015. Thereafter, the applications in I.A.Nos.16289 and 16290 of 2017 were once again filed by the plaintiff to reopen and recall D.W.1. These applications were allowed on terms on 28.02.2018 and once again the plaintiff refused to cross examine D.W.1 and the evidence was closed. Thereafter, the impugned application has been filed in July 2018. from a narration of the facts, that it is seen that from the year 2014 onwards, the revision petitioner has not chosen to cross examine D.W.1. In the present application, the reason that has been given is that the junior counsel was seriously ill and details in this regard has not been provided.

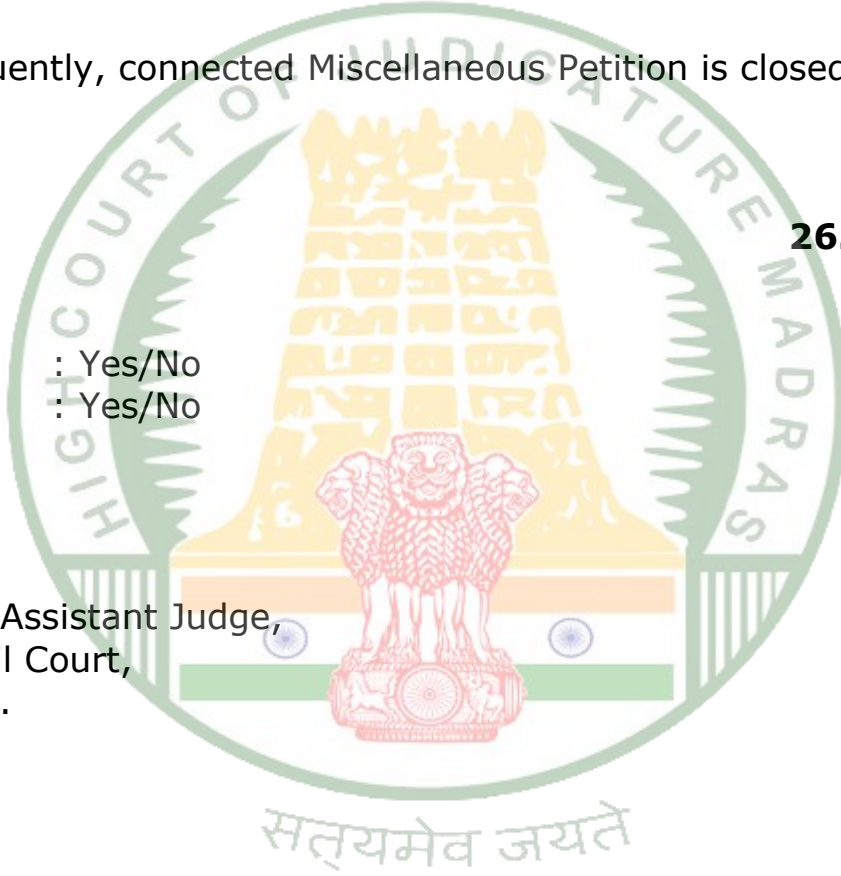
Considering the earlier conduct of the revision petitioner, the learned VII Assistant Judge, City Civil Court, Chennai, has rightly dismissed the said application. I find no infirmity in the said order. This Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.02.2019

Index : Yes/No
Internet : Yes/No
mps

To

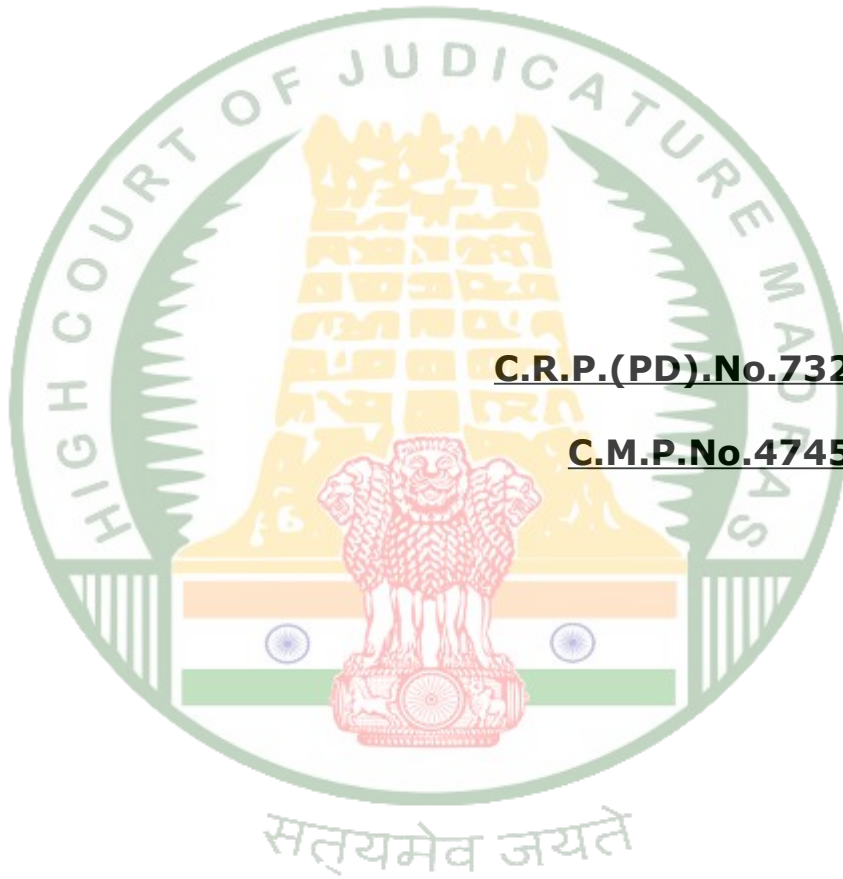
The VII Assistant Judge,
City Civil Court,
Chennai.



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P.T. ASHA, J,

mps



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