

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 28.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P.(PD).Nos.1016 & 1017 of 2018
and
C.M.P.No.5398 of 2018

K.Venkatakrishna

...Petitioner in all CRPs

Vs

1. M/s.Navashakthi Trading and Co.
Rep. by partner S.Krishniah.

2. S.Krishniah

3. P.Devarajulu

4. S.Latha

...Respondents in all CRPs

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.12.2017 passed in M.P.No.429 & 430 of 2017 in RCOP.No.2230 of 2012 on the file of the learned XIII Judge, Small Causes Court, Chennai and allow the above Civil Revision Petitions by recalling PW2 for further chief examination.

For Petitioner : Mr.K.P.Ashok

COMMON ORDER

Though notice has been served on the respondents and their names printed in the cause list, none appeared on their behalf.

2. The only ground on which the petitioner seeks to recall and reopen PW2, who is an engineer, is that there is a total mistake in the engineer's report. The Court below rejected the petitioner's application on the ground that the petition seeking for recalling and reopening PW2 was not supported by the affidavit of the engineer.

3. This Court is unable to comprehend as to how the engineer's affidavit could be obtained for the purpose of recalling and reopening PW2 at the instance of the petitioner herein. When the petitioner herein himself has filed an affidavit, there was no justification seeking for an affidavit of the engineer for allowing the application.

4. In the result, the order dated 18.12.2017, passed in M.P.No.429 & 430 of 2017 in RCOP.No.2230 of 2012 on the file of the learned XIII Judge, Small Causes Court, Chennai, is set aside. Consequently, the prayer sought for in M.P.No.429 & 430 of 2017 is allowed.

5. Accordingly, the Civil Revision Petitions stand ordered. No costs.

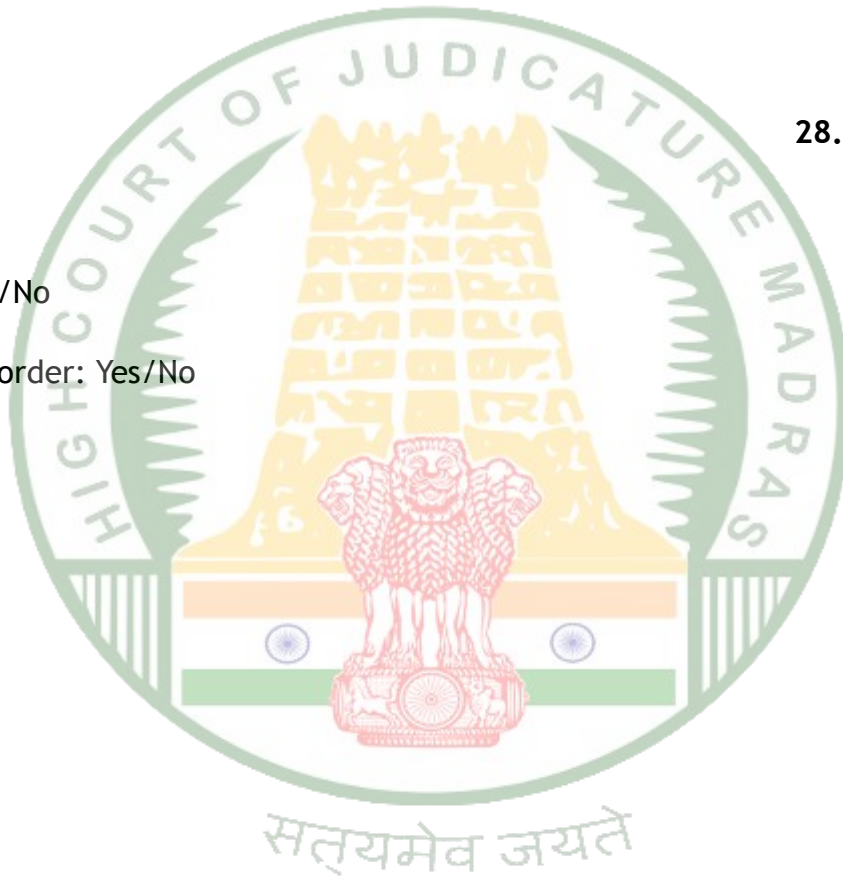
Consequently, connected Miscellaneous Petition is closed.

28.01.2019

Index:Yes/No

Speaking order: Yes/No

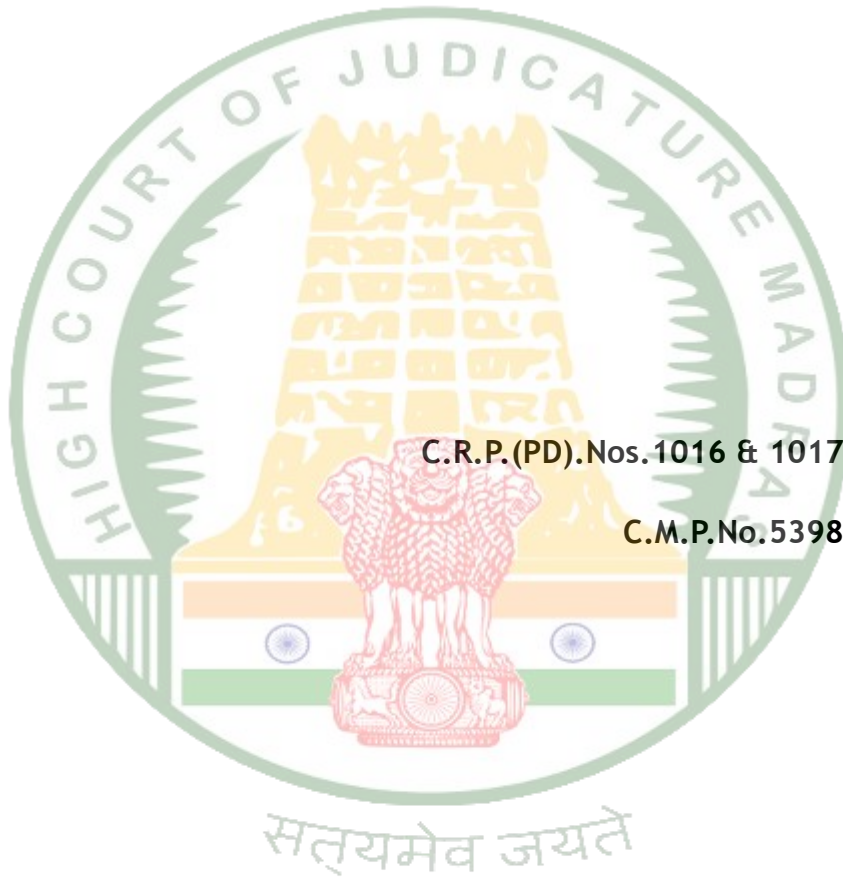
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M.S.RAMESH.,J

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