

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2019

CORAM

THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

C.R.P.(PD).No.4264 of 2015

and

M.P.No.1 of 2015

Ravi

... Petitioner

Vs.

Kaliyamurthy

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 09.10.2015 passed in I.A.No.710 of 2015 in O.S.No.665 of 2006 and O.S.No.17 of 2007 on the file of the Principal District Munsif Court, Cuddalore.

For Petitioner : Mr.Saikrishnan for
Mr.Sai Bharath and Ilan

For Respondent : Mr.D.Baskar

ORDER

The petitioner is the plaintiff in O.S.No.665 of 2006 and the defendant in O.S.No.17 of 2007 before the Principal District Munsif Court, Cuddalore.

2.Earlier by an order dated 07.02.2019 in C.R.P.Nos.1428 & 1429 of 2014 filed by the respondent, the Court below was directed to dispose the suit on or before 30.04.2019.

3.The present Civil Revision Petition has been filed against the fair and decreetal order dated 09.10.2015 passed in I.A.No.710 of 2015 in O.S.No.665 of 2006 and O.S.No.17 of 2007, wherein the Principal District Munsif Court, Cuddalore has rejected the request for reopening the evidence to cross examine P.Ws 3 and 4.

4.The said petition was filed under Order 18 Rule 17 of C.P.C by the respondent and a technical objection was taken by stating that the application filed to recall the witnesses has been filed without reopening the evidences.

5.It is further stated that the petitioner is the member of the Bar and it is taking undue advantage and is putting respondents to inconvenience. The Court below has rejected the application stating that the application filed by the petitioner was to delay the proceedings.

6.By an order dated 07.02.2019 filed in C.R.P.Nos.1428 & 1429 of 2014, the learned District Munsif, Cuddalore was directed to take up the suits on day-to-day basis and dispose of the same before 30.04.2019 without further delay.

7. Since the disposal of the suit has been already delayed considerably, in view of pendency of three Civil Revision Petitions, the order passed by the lower Court is interfered and modified to permit the petitioner to cross-examine the two witnesses subject to payment of cost of Rs.5,000/- to the respondent within one week from the date of receipt of a copy of this order.

8. The learned District Munsif Court, Cuddalore is directed to speed up the proceedings. The learned District Munsif Court may therefore give one final opportunity to the petitioner to examine P.Ws.3 and 4 as a final chance subject to payment of cost of Rs.5,000/- to the respondent.

9. The Civil Revision petition stands allowed with above observations. The learned District Munsif Court shall endeavour to complete the proceedings by 30.04.2019 as ordered already on 07.02.2019. In case the proceeding is not completed by then, the learned District Munsif Court shall pass judgment and decree latest by 30.06.2019. Consequently, Connected Miscellaneous petition is closed.

08.03.2019

Index : Yes/No
Internet : Yes/No

C.SARAVANAN, J.

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To

1.Principal District Munsif Court,
Cuddalore.

2.Ravi,
S/o.Sivaramachandran,
No.32, Shanmugam Pillai Steet,
Vilvarayanatham,
Cuddalore District.

3.The Section Officer,
V.R.Section, High Court, Madras.

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and
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