

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2019

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P.(PD).Nos.2446 & 2323 of 2018
& CMP.No.14987 of 2018

Arul Francina @ Arul Prasanna

..Petitioner/Defendant in both CRPs.

Vs

1.Sekar

2.Ravi

..Respondents/Plaintiffs in both CRPs.

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the Fair and Decreetal Order dated 28.02.2018 passed in I.A.Nos.64 & 63 of 2018 in O.S.No.51 of 2008 on the file of the learned Subordinate Court, Ponneri.

For Petitioner in both CRPs. : Mr.N.R.Anantha Ramakrishnan

For Respondents in both CRPs : Mr.M.Prem Kumar

COMMON ORDER

The Interlocutory Applications to recall and to reopen the plaintiffs' side witnesses for the purpose of further cross-examination were dismissed by the Trial Court stating that, the petitioner/defendant was given due opportunity and that he is trying to drag on the proceedings. As against the said orders, these Civil Revision Petitions have been filed. The reasons adduced by the petitioner seeking to recall and reopen the plaintiffs witnesses is that, certain documents were permitted to be marked by recalling P.Ws.1 & 2 and that he intends to establish his documents through the plaintiffs.

2. I have heard the arguments made by the learned counsel for the revision petitioner as well as the learned counsel appearing for the respondents.

3. Having perused the interlocutory applications, this court is of the view that since the suit is for specific performance, the Trial Court having permitted the petitioner to mark additional documents namely Exs.P2 to P10, ought to have granted an opportunity to cross-examine the plaintiffs.

4. Nevertheless, I do not find any infirmity in the observation made by the Trial Court that the proceedings are pending for a considerable time. Such a delay can be cured, if the petitioner herein is permitted to cross-examine the plaintiffs on one day alone.

5. In the light of the above observation, the orders passed in I.A.Nos.64 & 63 of 2018 dated 28.02.2018 are hereby set aside. Consequently, the petitioner is permitted to recall, reopen and cross examine PW1 and PW2 on any one day, within a week from the date of receipt of a copy of this Order.

6. After conclusion of such cross-examination, the Trial Court shall endeavor to complete the suit proceedings as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this Order.

7. With the above observation, these Civil Revision Petitions are disposed of. Consequently, connected miscellaneous petition is closed. No costs.

07.01.2019

Index:Yes/no
Speaking Orders / Non Speaking Orders

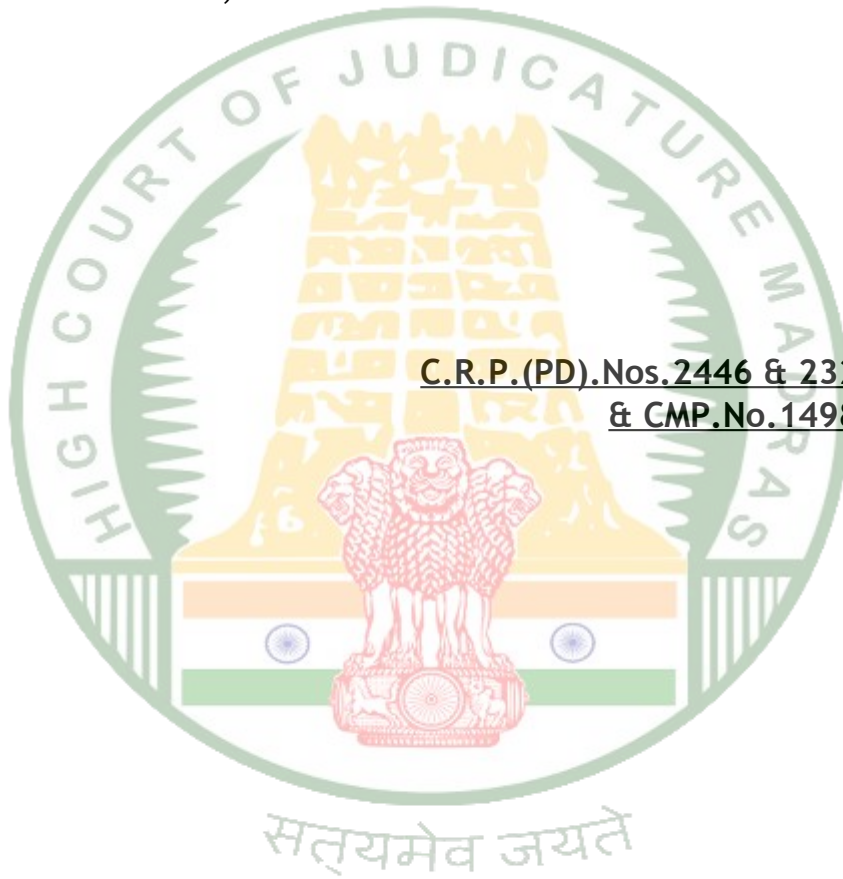
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M.S. RAMESH, J.

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To

The Subordinate Court, Ponneri



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