

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

**CRP.(PD). Nos.1745 & 1746 of 2019
&
CMP.No.11166 of 2019**

1.V. Senthil Kumar
2. M. Muniappan

.. Petitioners

-vs-

1. Kaliasammal
2. L.N. Rajagopal
3. G.Susinathan
4. R. Murugan
5. S.Edwin Ayyadurai

.. Respondents

Prayer: Civil Revision Petitions filed under Article 227 of Constitution of India praying to set aside the order and decree passed by the learned Subordinate Judge, Dharmapuri in I.A.Nos.565 of 2018 and I.A.No.815 of 2018 in O.S.No.109 of 2011 dated 25.01.2019.

For Petitioners in
both petitions : Mr. R. Thanigai Arasu

ORDER

The plaintiffs in O.S.No.109 of 2011 are the petitioners before this Court. In the suit, the respondents filed a petition to reopen the case and to recall DW1 for marking certain documents, which they

consider vital to their case. The trial Court allowed the application with an intention to give one more opportunity to the defendants to put forth their case.

2. Heard the learned counsel appearing for the petitioners.

3. Learned counsel for the petitioners would contend that the suit is of the year 2011 and it is pending for the past eight years. The attempt made by the defendants is only to protract the proceedings.

4. The trial Court has found that mere receiving documents will not prejudice the petitioners. The veracity of the documents can be gone in at the time of trial. Further in the interest of justice and to avoid multiplicity of litigations, allowed the petitions. In fact the documents sought to be produced have some connection with the subject matter of the suit. The said documents would not change the nature of the suit. Hence this Court is of the considered view that the findings rendered by the trial Court are correct and justified. The order does not call for any interference and accordingly confirmed. However, considering the submissions of the learned counsel for the petitioner, this Court is inclined to issue a direction to the trial Court to complete the trial in O.S.No.109 of 2011 within a period of two

months from the date of receipt of a copy of this order. The respondents/defendants shall also cooperate for the speedy disposal of the trial.

5. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected CMP.No.11166 of 2019 is closed.

04.06.2019

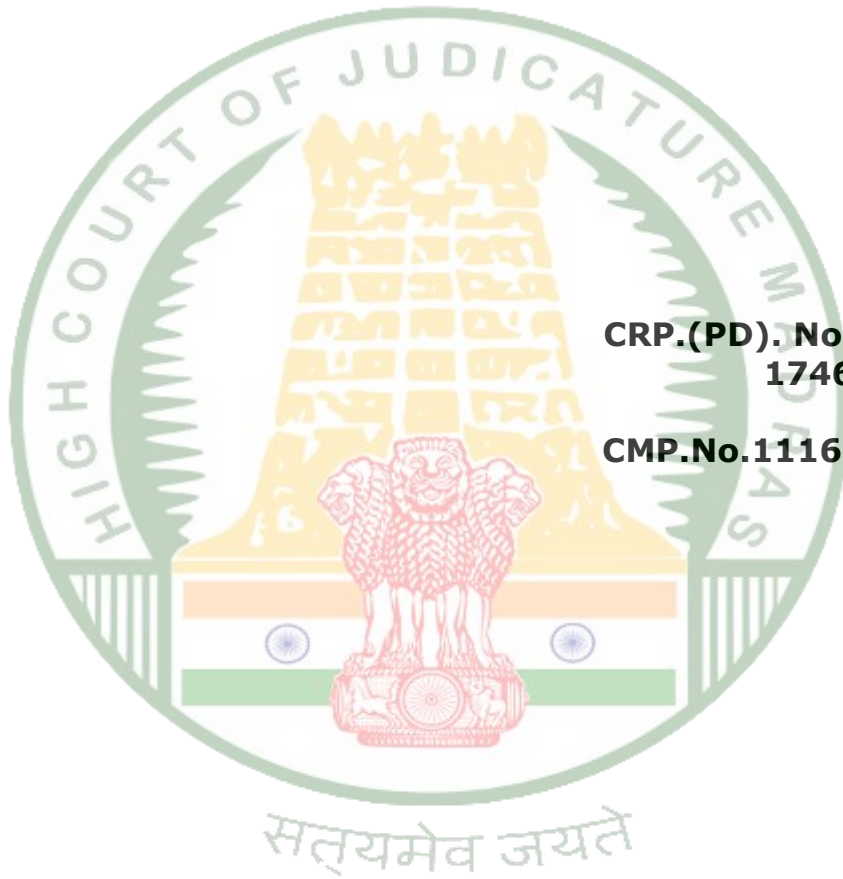
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M. GOVINDARAJ, J.

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