

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRP.(PD).Nos.3948 & 3949 of 2019

and

C.M.P.Nos.26042 & 26043 of 2019

Dora Suseela ... Petitioner in both CRPs

Versus

1. Sesu Rajakili

2. F. Mariya Chandran
rep. by his Power Agent
Sesu Rajakili

... Respondents in both CRPs

PRAYER in CRP.3948/2019 : Civil Revision Petition filed under Section 227 of the Constitution of India to set aside the fair and decreetal order dated 16.10.2019 in I.A.No.734 of 2019 in O.S.No.279 of 1999 c/w. O.S.No.412 of 2004 on the file of the Principal district Munsif, Alandur.

PRAYER in CRP.3949/2019 : Civil Revision Petition filed under Section 227 of the Constitution of India to set aside the fair and decreetal order dated 16.10.2019 in I.A.No.735 of 2019 in O.S.No.279 of 1999 c/w. O.S.No.412 of 2004 on the file of the Principal District Munsif, Alandur.

For petitioner : Mr. M.Thangadurai
in both CRPs

COMMON ORDER

These Civil Revision Petitions have been filed against the order dismissing the applications to reopen and recall the evidence of the P.W.1 for further cross examination.

3. The petitioner herein filed suits for permanent injunction restraining the defendants from interfering with the suit schedule property. Earlier, when the matter was posted for arguments, the petitioner filed an application in I.A.NO.221 of 2019 to reopen the plaintiff's side evidence for further evidence. That application was allowed, but the plaintiff did not examine any witness on their side. Instead, she filed another application in I.A.No.464 of 2019 to issue witness summons to one Arulmani and the same was dismissed on 16.07.2019. Thereafter, when the suit was posted for arguments, the petitioner had filed the applications to reopen and recall P.W.1 for cross examination by the defendant and the same were dismissed. Now, challenging the same, the present revision petitions have been filed.

4. Heard and perused the materials available on records carefully.

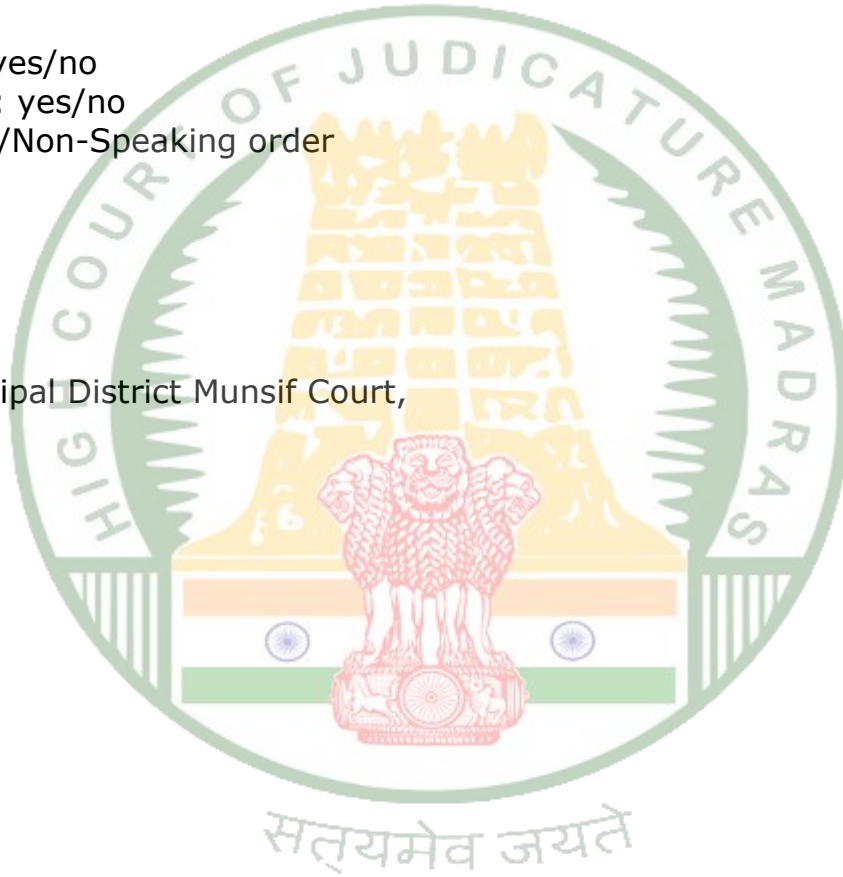
5. Earlier, the petitioner's husband was examined as P.W.1 and after chief examination, he died and his examination was eschewed. Thereafter, the petitioner was examined as P.W.1 and her evidence was closed. Even after completion of the trial, when the matter was posted for arguments, the petitioner has come out with an application to reopen the plaintiff's side evidence and the same was allowed. But, she did not come forward to examine herself. subsequently she filed another application to issue witness summons to one Arulmani and the same was also dismissed and once again the suit was posted for arguments. At that stage, the petitioner filed an application to recall her evidence for cross examination by the defendants on the ground that she was not fully cross examined by the defendants. The same was dismissed by the trial Court holding that already the petitioner was examined and the defendants also cross examined her and hence, there is no necessity to cross examine her, and it is for the defendants to come out with an application, if any further cross examination is required and the petitioner cannot maintain this petition. The trial Court rightly dismissed the application and I find no irregularity or illegality in the order passed by the trial Court and I find no merit in these petitions.

6. The Civil Revision Petitions are dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

05.12.2019

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
mrp

To
The Principal District Munsif Court,
Alandur.

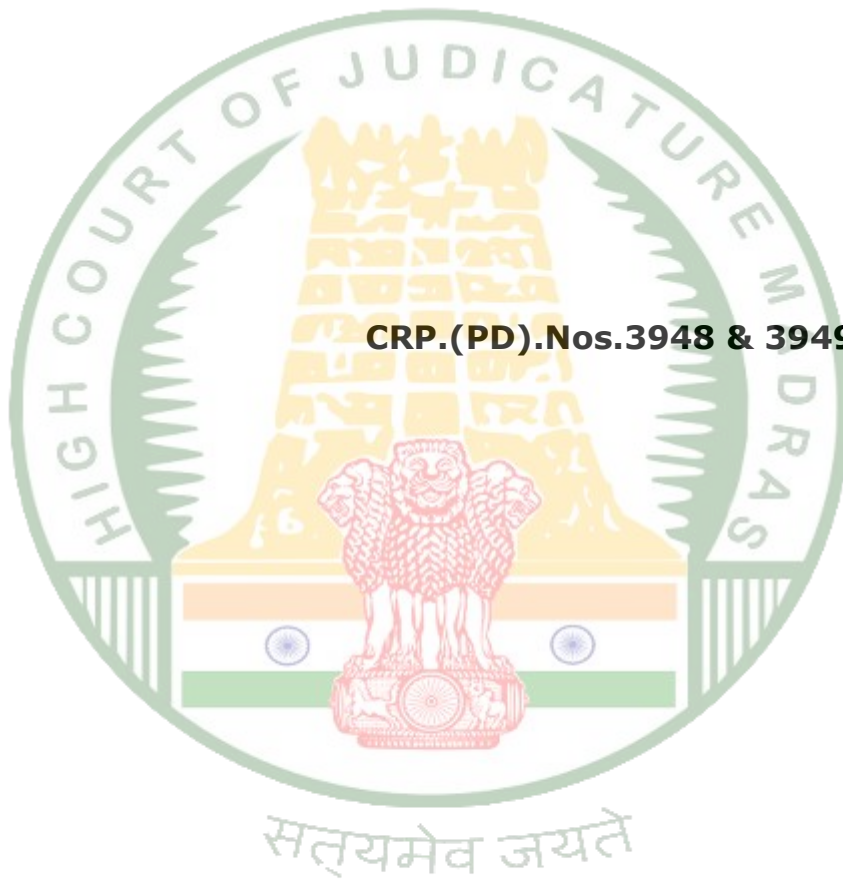


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V.BHARATHIDASAN

mrp



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