



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2019

CORAM

WEB COPY

THE HONOURABLE **MS.JUSTICE P.T.ASHA**

C.R.P. (MD) No.1973 of 2013
and M.P. (MD) No.2 of 2013

Rajamani

... Petitioner

Vs.

1.Anand

2.Tamil Nadu Government,
Through its Collector.

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 26.09.2013 in I.A.No.115 of 2013 in O.S.No.366 of 2012 on the file of the Additional District Munsif, Thoothukudi.

For Petitioner : Mr.K.Chengiz Khan

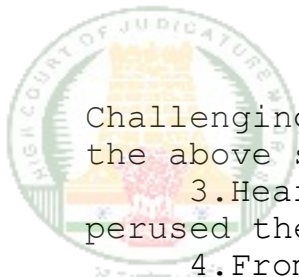
For R1 : Mr.G.Rajaraman

ORDER

The above application has been filed challenging the order passed in I.A.No.115 of 2013 in O.S.No.366 of 2012 whereby the application filed by the second defendant for re-opening the evidence of his side was dismissed.

2.The facts in brief are as follows:

The first respondent/plaintiff filed a suit in O.S.No.366 of 2012 on the file of the Additional District Munsif, Thoothukudi claiming damages for a sum of Rs.1,00,000/- for the loss of reputation caused to him on account of the action of the revision petitioner/second defendant. When the suit was posted for evidence of the revision petitioner/second defendant on 12.03.2013, there was a boycott of the Advocates and therefore, the revision petitioner/second defendant was unable to be represented in the Court on the said date. The evidence was closed and the matter was posted on 25.03.2013. The revision petitioner/second defendant filed an application for re-opening the evidence on 25.03.2013 itself narrating the facts. The said application was very strongly opposed by the first respondent/plaintiff and the learned Additional District Munsif, Thoothukudi by an order dated 26.09.2013 proceeded to dismiss the said application stating that Advocates boycott will not be the reason for the none-appearance before the Court.



Challenging the same, the revision petitioner/second defendant filed the above said civil revision petition.

3.Heard the learned counsel appearing on either side and perused the papers.

4.From the papers, it appears that after the evidence was closed on 12.03.2013, the case was posted for arguments on 25.03.2013 and nowhere in the affidavit filed in support of the application has it been stated what transpired on 25.03.2013. Before this Court also nowhere in the affidavit filed in support of this petition the above fact has been clarified.

5.Considering the above facts and circumstances and taking into account the fact that the application has been filed immediately by the revision petitioner/second defendant, this Court is inclined to set aside the order dated 26.09.2013 made in I.A.No.115 of 2013 in O.S.No.366 of 2012 passed by the learned Additional District Munsif, Thoothukudi. However, taking note of utter indifference with which the affidavits have been filed before the Court below as well as this Court, this Court is inclined to impose cost on the revision petitioner/second defendant. The civil revision petition is, therefore, allowed by imposing a cost of Rs.2,500/-, which shall be paid to the learned counsel for the first respondent/plaintiff on or before 19.11.2019. No costs. Consequently, connected miscellaneous petition is closed.

6.For reporting compliance, list this matter on 20.11.2019.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Additional District Munsif, Thoothukudi.
- 2.The Section Officer, Judicial Section,
Madurai Bench of Madras High Court,
Madurai.

+1 cc Mr. G.PRABHU RAJADURAI ,Advocate, SR.No. 98904

C.R.P. (MD)No.1973 of 2013
15.11.2019

KK/SAR/19.11.2019/2P-4C/