



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

WEB COPY

C.M.P. (MD) Nos.4324 & 4325 of 2019
in
C.R.P. (MD) No.SR16086 & 16090 of 2019
and
C.R.P. (MD) No.SR16086 & 16090 of 2019

R.Radha
Through its Power Agent and
her Husband R.Ramasamy

... Petitioner in both
C.M.Ps.,

Vs.

1.M.Rajangam

2.R.Ambika

3.V.Jeyakumar

4.R.Rajanbabu

... Respondents in both
C.M.Ps.,

PRAYER in C.M.P. (MD) Nos.4324 & 4325 of 2019: Civil Miscellaneous Petitions filed under Section 151 of the Code of Civil Procedure, to dispense with the production of the certified copy of fair and decreetal order dated 26.02.2019 in I.A.Nos.1 & 2 of 2019 in O.S.No.72 of 2012 on the file of Subordinate Court, Theni.

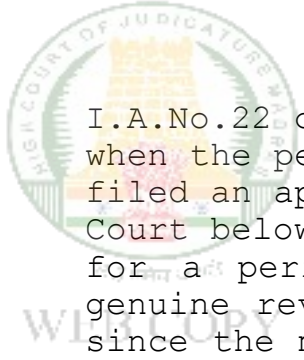
PRAYER in C.R.P. (MD) Nos.SR16086 & 16090 of 2019: Civil Revision Petitions filed under Article 227 of the Constitution of India, to call for the impugned petition order dated 26.02.2019 made in I.A.Nos.1 & 2 of 2019 in O.S.No.72 of 2012 on the file of the Subordinate Court, Theni, set aside the same.

For Petitioner: Mr.K.Appadurai

COMMON ORDER

These Civil Miscellaneous Petitions have been preferred to dispense with the production of the certified copy of fair and decreetal order dated 26.02.2019 in I.A.Nos.1 & 2 of 2019 in O.S.No.72 of 2012 on the file of Subordinate Court, Theni.

<https://hcservices.courts.gov.in/hcservices/> 2 I.A.Nos.1 & 2 were filed by the petitioners to re-call and to re-open the case for the purpose of cross-examining D-1. In the affidavit, the petitioners contended that an application in



I.A.No.22 of 2018 was dismissed by the Court below on 12.06.2018 and when the petitioners intended to file a revision petition, they have filed an application seeking for an order of interim stay before the Court below and the Court below has granted an order of interim stay for a period of one month and hence, the petitioners sought a genuine revision as against the order passed in the said I.A., and since the matter is pending before the Court below, the petitioners are not able to cross-examine D-1. Hence, they have filed the applications to re-open and to re-call the case for the purpose of cross-examining D-1.

3.On the other hand, the respondents vehemently objected to the same by stating that those applications have been filed only to prolong the case and they were already given sufficient opportunity to cross-examine D-1.

4.After observing the contention raised on either side, the trial Court has allowed the said I.As., and imposed a cost of Rs.2,500/- and Rs.5,000/- respectively. Aggrieved by the said order, the petitioners have preferred the present revisions on 10.04.2019.

5.On perusal of the records, it is observed that the petitioners have filed an applications to re-open and to re-call the case for the purpose of cross-examining D-1. Even an earlier application filed by the petitioners was not considered by the Court below, the reason stated by the petitioners was very much considered by the Court below and allowed the said applications with cost by way of giving an opportunity to them. Now, the grievance of the petitioners is only as against the cost and there is no other grievance taken by the petitioners.

6.Considering the facts and circumstances of the case, since the suit is of the year 2012, now, the case is reaching the final stage and at this time, considering the filing of such petitions, the Court below and the respondents were put to lot of inconvenience. Hence, the order dated 26.02.2019 passed in I.A.Nos.1 & 2 of 2019 in O.S.No.72 of 2012 by the learned Subordinate Judge, Theni, is very much reasonable.

7.These Civil Miscellaneous Petitions are dismissed accordingly. No costs. Consequently, connected C.R.P.(MD) No.SR16086 & 16090 of 2019 are rejected at the SR stage itself.

Sd/-

Assistant Registrar ()

// True Copy //



To

The Subordinate Judge,
Theni.

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