



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP (MD) Nos.1007 and 1008 of 2019

and

CMP (MD) No.5578 of 2019

Gunabalan ... Petitioner in CRPs/Respondent/Plaintiff
versus

C.Selvam ... Respondent in CRPs/Petitioner/Defendant

CRP (MD) No.1007 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 10.12.2018 made in I.A.No.66 of 2018 in O.S.No.54 of 2014 on the file of the First Additional District Court, Tuticorin.

CRP (MD) No.1008 of 2019: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 10.12.2018 made in I.A.No.67 of 2018 in O.S.No.54 of 2014 on the file of the First Additional District Court, Tuticorin.

For Petitioner

in both CRPs. : Mr.R.Vijayakumar

For Respondent

in both CRPs. : Mr.M.Karthikeya Venkitta

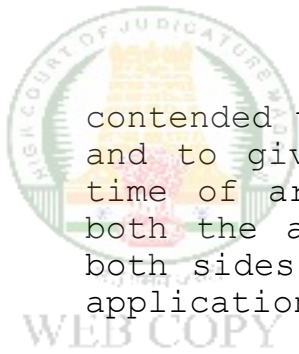
Chalapathy

COMMON ORDER

These Civil Revision Petitions have been filed by the revision petitioner against the order dated 10.12.2018 made in I.A.Nos.66 and 67 of 2018 in O.S.No.54 of 2014 on the file of the First Additional District Court, Tuticorin.

2. The learned counsel appearing for the revision petitioner submits that the respondent herein is the defendant in O.S.No.54 of 2014 and he filed the above applications to re-open and re-call P.W.1, for the reason that he was not able to contact his counsel and give proper instructions as to the questions to be asked in cross examining P.W.1. Apart from those reasons, no valid reasons were mentioned in the said applications. In fact, in the said suit, arguments were heard and the suit was reserved for orders. However, the Court below, without considering the said fact, has wrongly allowed the said applications. Hence, the learned counsel appearing for the revision petitioner has strongly opposed re-opening and recalling P.W.1 and prayed for setting aside the order.

3. The learned counsel appearing for the respondent
<https://hcservices.ecourts.gov.in/hcservices/>



contended that since the respondent was not able to meet his counsel and to give instruction with regard to case details while at the time of argument and also at the time of cross examining P.W.1., both the applications were filed. The Court below, after hearing both sides, has rightly come to the conclusion and allowed both the applications.

4. Heard the learned counsel for the revision petitioner as well as the learned counsel for the respondent.

5. Though the learned counsel appearing for the revision petitioner strongly opposed re-opening and re-calling P.W.1, this Court made a suggestion that 5 days' time could be given to complete the examination of P.W.1. For the said suggestion, both the counsel agreed for the same.

6. In view of the above, this Court directs the Court below to grant five working days' time to examine and cross examine the evidence of P.W.1, from the date of first hearing, after the receipt of a copy of this order. If the revision petitioner intends to re-examine P.W.1, the Court below shall grant five days' time to re-examine P.W.1. At any case, the cross examination and reexamination of P.W.1 shall be completed within ten working day's time from the date of first hearing.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

The First Additional District Court,
Tuticorin.

+1 CC to M/s.R. VIJAYAKUMAR, Advocate (SR-97008[F] dated 08/11/2019
+1 CC to M/s.M.KARTHIKEYA VENKITACHALAPATHY, Advocate (SR-97176[F]
dated 11/11/2019)

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KK/SAR/25.11.2019/2P-4C/