



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.PONGIAPPAN**

CRP(MD)Nos.1401 and 1402 of 2019

and

C.M.P.(MD) Nos.7452 and 7453 of 2019

Minor Karunya Valli Nachi

Rep. By her mother Mrs.Mohana

... Revision Petitioner /  
Respondent/ Plaintiff  
in both CRPs.

versus

1. H.Prakasammal
2. H.Thiruselvam
3. H.Rejina
4. H.Sudha
5. H.Rasi

... Respondents/ Petitioners/  
Defendants in both CRPs

Civil Revision Petitions filed under Article 227 of Constitution of India, praying to set aside the common order dated 28.06.2019 made in I.A.Nos.113 and 114 of 2019 in O.S.No.33 of 2015 on the file of the learned Principal Sub Judge, Madurai.

For Petitioner : Mr.P.Ganapathi Subramanian

**COMMON ORDER**

The Revision Petitioner herein is the plaintiff in O.S.No.33 of 2015. The Revision Petitioner, who is the minor, through her mother, filed a suit in O.S.No.33 of 2015 before the trial Court for the relief of declaration and injunction. Pending trial, the defendants filed applications in I.A.Nos.113 and 114 of 2019 to recall P.W.1 for the purpose of further cross examination and to re-open the plaintiff's side evidence. In the said applications, after affording an opportunity to the plaintiff/revision petitioner, the learned Principal Sub Judge, Madurai, allowed both the applications. Aggrieved over the said order, the petitioner, who is the plaintiff, has filed these Civil Revision Petitions, seeking the relief of setting aside the order passed by the learned Principal Sub Judge, Madurai, on 28.06.2019.



2. The learned counsel appearing for the revision petitioner contended that in the applications filed by the respondents/defendants, they have not stated any reasons for recalling P.W.1. for the purpose of further cross examination and for re-opening the plaintiff's side evidence. Further, the learned counsel added that the learned Principal Sub Judge has not properly exercised the power conferred under Order 18 Rule 17 C.P.C. and allowed the applications and resultantly, the trial proceedings are prolonged.

3. Upon considering the arguments advanced by the learned counsel for the revision petitioner with the order passed by the learned Principal Sub Judge, Madurai, it appears that in page no.5 of the order, the learned Principal Sub Judge, Madurai, has clearly held that at the time of arguing the matters before the trial Court, the petitioner herein, who is the respondent in those applications, has not raised any serious objection. So, the order of the trial Court clearly shows that the petitioner has not raised any objection before the trial Court, but contra to the same after allowing the said applications, she has filed the Civil Revision petitions.

4. The order passed by the trial Court reveals that the evidence of P.W.1 is fully completed, however due to the reason that P.W.1 is recalled for the purpose of further cross examination, no prejudice would be caused to the petitioner. More than that, the suit pertaining to the Civil Revision Petitions has been filed in the year 2015. So, it cannot be said that the suit filed by the petitioner herein is a long pending one.

5. For the reasons stated above, both the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar

To

The Principal Sub Judge, Madurai.

+1 CC to M/s.P.GANAPATHISUBRAMANIAN, Advocate ( SR-82640[F] dated 21/08/2019 )

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