



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD). No. 2747 of 2018

and

C.M.P. (MD). No. 12010 of 2018

Selvarani

... Petitioner/Petitioner/Plaintiff

Vs.

1.R.Chandrasekaran

2.Rajendran

3.Ravi

... Respondent/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 19.11.2018 made in I.A.No.819 of 2018 in O.S.No.201 of 2011 on the file of the Principal District Munsif, Karur.

For Petitioner : Mr.Raguvaran Gopalan

For Respondent : No appearance

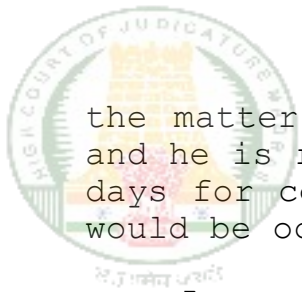
O R D E R

This Civil Revision Petition has been filed challenging the order dated 19.11.2018 passed in I.A.No.819 of 2018 in O.S.No.201 of 2011 by the learned Principal District Munsif, Karur.

2.The revision petitioner, who is the plaintiff in the suit in O.S.No.201 of 2011, has filed I.A.No.819 of 2018, to reopen the evidence and re-examine P.W.1 as a witness. After hearing both sides, the Court below dismissed the said I.A., stating that the suit was filed 8 years back and for the last two years, it was posted for arguments and further observed that only with malafide intention on the part of the petitioner to drag on the proceedings by filing the said application. Against which, the revision petitioner is before this Court.

3.In spite of notice was sent on the third respondent and his name was also printed in the cause list, none appeared for him either in person or through counsel. In respect of R1 and R2 is concerned, set exparte vide in EB and Batta. Therefore, this Court is inclined to pass final orders, after hearing the revision petitioner.

4.The learned counsel appearing for the revision petitioner submitted that the revision petitioner has no intention to drag on the proceedings and he is ready to co-operate with the matter, even



the matter is pending for the past two years in the enquiry stage and he is ready to examine P.W.1. Further, he prays for five working days for completing the reexamination of P.W.1 and no further delay would be occurred on his side.

5. Heard the learned counsel appearing for the revision petitioner and perused materials available on record.

6. Admittedly, the suit was filed by the revision petitioner herein and the said suit was pending for the past 8 years. Since the suit was pending for the last two years at the stage of enquiry, no progress was shown in the suit. Therefore, the revision petitioner herein has filed I.A.No.819 of 2018 to reexamine P.W.1. The Court below dismissed the said I.A stating that only to drag on the proceedings, the revision petitioner has filed the said I.A. The intention of the revision petitioner is only to examine P.W.1, for which, he is asking only five working days, it appears to be fair on the revision petitioner. That being the case, there is no impediment for the Court below to allow this application filed by the revision petitioner for reexamination of P.W.1.

7. Considering the above, this Court is of the view that it is just and fair to allow the I.A., filed by the revision petitioner to re-examine P.W.1. Therefore, this Court is inclined to set aside the order dated 19.11.2018 passed by the Court below to re-examine P.W.1 on condition that the revision petitioner shall complete the reexamination of P.W.1 within five working days from the date of first hearing, after the receipt of a copy of this order. Therefore, the Court below is directed to permit the revision petitioner to reexamine P.W.1 within five working days from the date of first hearing, after the receipt of a copy of this order.

8. In the result, this civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar (CS)

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To

The Principal District Munsif,
Karur.

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