

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.No.774 of 2019
and
CMP.No.5102 of 2019

1.Duraisamy
2.Chinnavan
3.Nagaraj

.... Petitioners/
Respondents 1 to 3/ Respondents 1 to 3

Versus

1.Saravanan

..1st Respondent/
Petitioner/Plaintiff

2.Prasanth
3.Balu@Chinnasamy
4.Sub-Registrar,
Joint-1,
Dharmapuri Town,
Dharmapuri District.

5.The District Registrar,
Dharmapuri Town,
Dharmapuri District.

6.The Special Tahsildar (Stamps),
District Collector Campus,
Salem, Salem District.

... Respondents 2 to 6/
Respondents 4 to 8/ Respondents 4to 8

Civil Revision Petition filed under Section 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 26.11.2018 passed in I.A.No.98 of 2018 in O.S.No.23 of 2014 on the file of the Additional District Judge, Dharamapuri.

For petitioners:Mr.A.Prabhakaran,
for Mr.G.Dilip Kumar

For Respondents:Mr.P.Valliappan (for R1)
:No Appearance (for R2 & R3)
:Mr.T.M.Papaiah, Spl.Govt.Plldr.(R4 & R6)
:Mr.S.Jaganathan, Govt.Advocate (for R5)

ORDER

The petitioners herein are the defendants 1 to 3 seeking to set aside the fair and decretal order dated 26.11.2018 passed in I.A.No.98 of 2018 in O.S.No.23 of 2014 on the file of the Additional District Judge, Dharamapuri.

2.Heard both sides and perused the materials available on record.

3.The first respondent is the plaintiff, who filed the suit for specific performance under the sale agreement dated 13.03.2012. A written statement was filed and the trial commenced. Thereafter, the matter was posted for chief-examination of PW.1 on 10.12.2015 and Ex.A1 to A11 were marked. Again the matter was posted for cross-examination of PW1 on 05.09.2018 with regard to the nature of business carried out by PW1. Certain questions were posed during cross-examination and it was recorded by the Trial Court. At this juncture, the presiding officer has come to know that PW.1's counsel was not present during the cross-examination of PW.1. Since there was two advocates standing, he was under the impression that one is for the defendants and other is for the plaintiff. Thereafter, the petitioner's counsel filed I.A No. 98 of 2018 under Order XVIII and Rule 17 of CPC., to recall the PW.1 for further Chief-examination and that application has been allowed. Hence, the present Civil Revision Petition.

4.The learned counsel for the respondent objected to certain questions that were put to PW.1 by way of cross-examination by way of affidavit.

5.I have perused the affidavit and counter and it is to be stated that there is no substantial cross-examination of PW.1 except putting some questions about the formal nature of his business. At this juncture, he wanted to recall himself and wanted to mark some more documents. Hence, I do not find any reason to interfere with the order passed by the learned Trial Judge.

6.The learned counsel for the respondent submitted that based upon the above incident a Transfer Original Petition has been filed before this Court and the same was dismissed.

7.The learned counsel appearing for the District Collector has stated that since the original suit was of the year 2014 he is ready to comply with the order that may be passed by this Court.

8.In view of the above, I do not express any opinion on merits as regards the Transfer Original Petition. Since the

suit was of the year 2014 and pending before the Additional District Judge, Dharmapuri, this Court directs to complete the trial within a period of two weeks.

9.With the above observation and direction, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

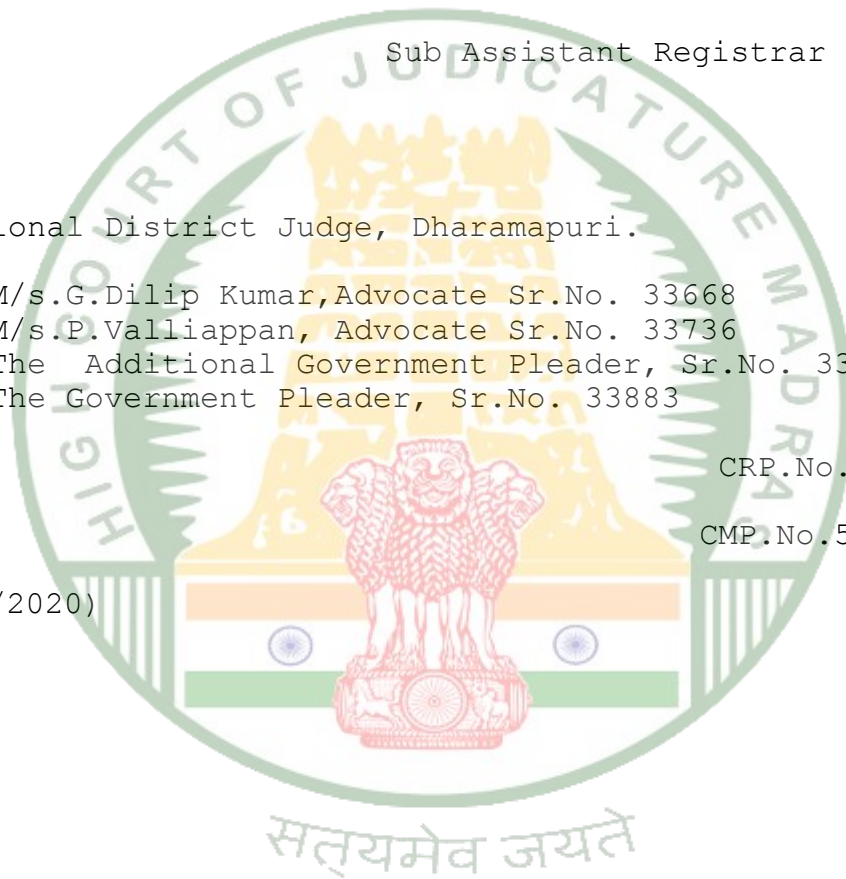
klt

To
The Additional District Judge, Dharamapuri.

+1 cc to M/s.G.Dilip Kumar,Advocate Sr.No. 33668
+1 cc to M/s.P.Valliappan, Advocate Sr.No. 33736
+1 cc to The Additional Government Pleader, Sr.No. 33757
+1 cc to The Government Pleader, Sr.No. 33883

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KJ(CO)
RMP(23/11/2020)



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