

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18..02..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition(PD) Nos.704 and 706 of 2020
&
CMP.No.3675 of 2020

Rajammal ... Petitioner /Petitioner/
1st Defendant in both

-Versus-

1.Marimuthu ...Respondent/Respondent/
Plaintiff in both
2.Chinnathaie ... Respondent/Respondent/
2nd Defendant in Both

Petition filed under Article 227 of The Constitution of India, praying to set aside the order and decretal order dated 25.09.2019 made in I.A.No.1150 of 2019 and I.A.No.1149 of 2019 in O.S.No.140 of 2007 by the learned District Munsif, Udumalpet, Tiruppur District.

For Petitioner : Mr.D.R.Arunkumar

ORDER

These civil revision petitions have been filed against the order dismissing the applications filed by the petitioner seeking to reopen the evidence of the defendants and recall D.W.2 to D.W.6 for the purpose of further cross examination.

2. The petitioner is the 1st defendant in the suit. The respondent herein filed the suit for permanent injunction in the year 2007. The suit was taken up for trial in the year 2011 and the evidence was over in the year 2011 itself. Thereafter, as the petitioner did not appear for the hearing on 26.03.2007, she was set ex parte. However, on the application made by the petitioner in the year 2017, the ex parte order was set aside in the year 2018 and thereafter, other witnesses on the side of the defendants were examined. When the suit was posted for arguments after closing the evidence of the defendants, the applications

under revision came to be filed seeking to reopen the evidence and recall D.W.2 to D.W.6, who were examined in the year 2011. On considering the available materials, the court below dismissed the applications. Challenging the same, the 1st defendant is before this court with the present revision petitions.

3. I have heard the learned counsel for the petitioner and also perused the records carefully.

4. The suit was taken up for trial in the year 2011 and the trial was over by 2011 itself. Thereafter, on 26.03.2007, the petitioner was set ex parte which was subsequently it was set aside in the year 2019 in order to give an opportunity to the petitioner and thereafter, the evidence on the side of the defendants was close don 06.06.2019. While so, the petitioner once again came up with the applications under revision for reopen and recall D.W.2 to D.W.6 for the purpose of further cross examination. On going through the order impugned in the revision , this court does not find any infirmity in the same. Thus, the revision petitions are devoid of merits and the same deserve only to be dismissed.

In the result, the civil revision petitions are dismissed and the order impugned in the revision petitions are confirmed. However, considering the fact that the suit is pending since 2007, the court below is directed to proceed further with the trial and dispose of the suit within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The District Munsif, Udumalpet,Tiruppur District.

+1cc to Mr.D.R.Arun Kumar, Advocate SR.13943

C.R.P.Nos.704 & 706 of 2020

NR(CO)
CB(21/09/2020)