

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2020

CORAM :

THE HON'BLE MR. JUSTICE B. PUGALENDHI

C.R.P. (PD) No.3946 of 2015

and

M.P.No.1 of 2015

R.Natarajan

... Revision Petitioner

Vs.

1.Vasanthamani

2.Palaniammal

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 02.09.2015 passed in O.S.No.86 of 2012 on the file of the I Additional Sub Court, Erode and District refusing permission to treat the witness D.W.3 as hostile.

For Petitioner : Ms.I.C.Vasudevan

For R1 : Mr.V.S.Kesavan

For R2 : No appearance
(Notice served)

ORDER

Today, when the matter is taken up for hearing, learned counsel for the petitioner submits that this Civil Revision Petition is arising out of the denial of the request made by the counsel for the petitioner before the trial Court for treating the witness D.W.3 as hostile.

2.Learned counsel appearing for the 1st respondent is not ready to proceed with the case and requests for some time.

3.At this juncture, the learned counsel for the petitioner submits that the suit has been filed for partition and in view of the pendency of this Civil Revision Petition before this Court, the suit is still pending for more than five years, and hence, in the event of the respondents taking further time, he fairly requests to confirm the order of the trial Court, so that, atleast the trial Court proceeds further. He also made an endorsement to that effect.

4.In view of the submission and endorsement made by the learned counsel for the petitioner, this Civil Revision Petition is dismissed with permission to the petitioner to raise this objection before the trial Court, during the course of arguments. No costs. Consequently, connected miscellaneous petition is closed.

5.In view of the age of the suit, the trial Court is directed to dispose the suit in O.S.No.86 of 2012 within a period of three months from the date of receipt of a copy of this order.

17.03.2020

Note to Registry :

Issue order copy on or before 24.03.2020

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Internet : Yes

Index : Yes / No

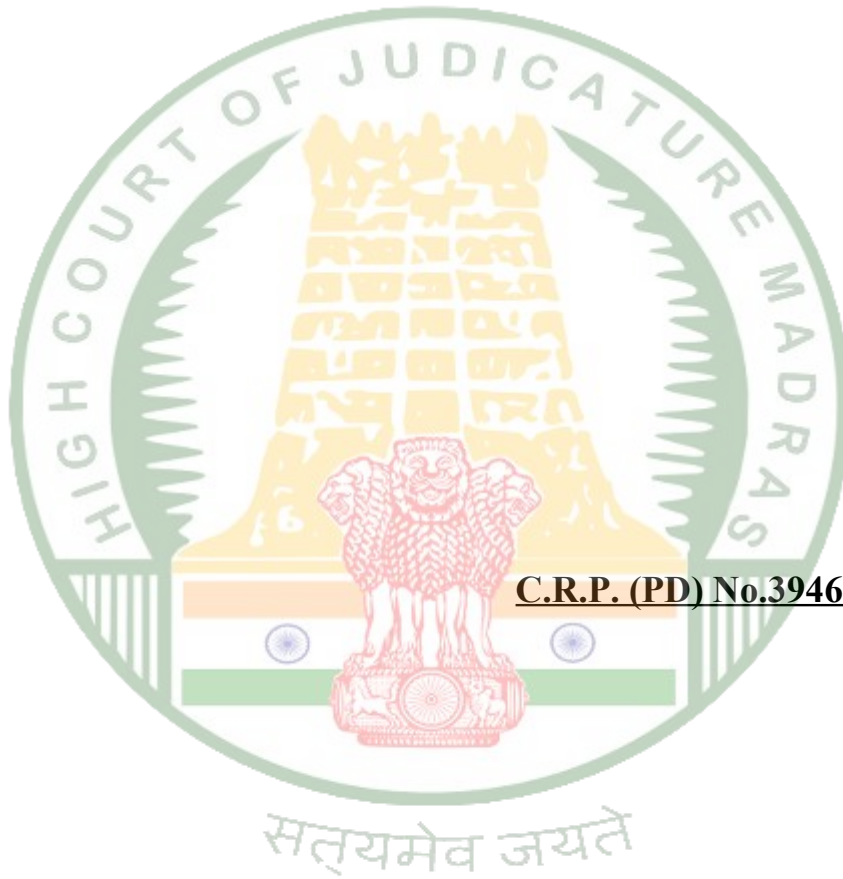
Speaking order / Nonspeaking order

To

The I Additional Sub-Judge,
Erode.

B. PUGALENDHI, J.

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