

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD).Nos.1313 and 1314 of 2016
and
C.M.P.No.7384 of 2016

Dhatshinamoorthi ...Petitioner in both the CRPs

Vs.

Ramasamy ...Respondent in both the CRPs

PRAYER in CRP.No.1313 of 2016: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 21.01.2016 made in I.A.No.954 of 2015 in O.S.No.141 of 2013 on the file of the learned Subordinate Judge, Perundurai allowing this Civil Revision Petition.

PRAYER in CRP.No.1314 of 2016: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order dated 21.01.2016 made in I.A.No.955 of 2015 in O.S.No.141 of 2013 on the file of the learned Subordinate Judge, Perundurai allowing this Civil Revision Petition.

For Petitioner : Mr.N.Manokaran in both the CRPs

For Respondent : Mr.C.Munusamy in both the CRPs

O R D E R

These Civil Revision Petitions are directed as against the fair and decreetal orders dated 21.01.2016 made in I.A.No.954 and 955 of 2015 in O.S.No.141 of 2013 on the file of the learned Subordinate Judge, Perundurai, thereby dismissing the petitions to recall the petitioner for further examination and to condone the delay in filing additional document.

2. The petitioner is the 2nd defendant in the suit filed by the respondent herein for specific performance. After completion of the plaintiff side evidence, the petitioner was examined as DW1. After completion of his examination, the petitioner filed a petition to recall him for further

examination and also filed application to condone the delay in filing additional document.

3. On perusal of the written statement, there is no whisper about the document which was sought to be marked in the written statement and also the petitioner failed to file the additional document which is sought to be marked with the written statement. After cross examination of the petitioner both the petitions were filed and it amount to fill up the lacuna and nothing else. That apart, in the written statement there is absolutely no whisper about the receipt issued by the said Velliangirinathan, as such it cannot be permitted to mark the document and it would amount to fill up the lacuna.

4. Therefore, the trial court rightly dismissed the petition and there is no illegality or irregularity in the orders passed by the trial court. Hence, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dsa

To

The Sub-Ordinate Judge,
Perundurai.

+1cc to Mr.N. MANOKARAN, Advocate, S.R.No.975

+1cc to Mr.N. MANOKARAN, Advocate, S.R.No.976

KV (CO)
SM/10/02/2021

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