

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRP(PD)Nos.1369 & 1371 of 2021

and

CMP.Nos.10670 & 10672 of 2021

[Through Video Conferencing]

K.Balaji

... Petitioner in both CRPs

vs.

1.Munusamy

2.Vasu

... Respondents in both CRPs

COMMON PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and Decreeal Order dated 22.03.2021 passed in I.A.Nos.1 & 2 of 2021 in O.S.No.6 of 2014 on the file of the District Munsif Court at Tiruttani.

For Petitioner in both CRPs : Ms.D.Roobinichitra

For Respondents in both CRPs : No appearance

ORDER

The Civil Revision Petitions had been filed by the plaintiff in O.S.No.6 of 2014 which was pending on the file of the District Munsif Court at Tiruttani.

2.The plaintiff, on conclusion of trial had thought it necessary to file two separate applications in I.A.No.1 of 2021 and I.A.No.2 of 2021 seeking permission to reopen the evidence and to recall D.W.1, D.W.2 and D.W.3 for further cross examination.

3.The reasons given was that the plaintiff had thought it necessary to change his counsel and the new counsel who entered appearance had thought it necessary to recall all the defendants' witnesses for further cross examination.

4.Naturally, that is not a ground which can be appreciated as a reason requiring to recall all the witnesses. The witnesses can be recalled only when facts had been omitted to be cross examined. In this case, such a reason has not mentioned.

5.The learned District Munsif at Tituttani by an order dated 22.03.2021 had dismissed both the applications. In the common order passed, the learned District Munsif had observed that D.W.1, D.W.2 and D.W.3 had already been cross examined and thereafter, on an endorsement made by the learned counsel for the plaintiff, their respective cross examination had been closed. The matter was then posted for arguments on 13.11.2020, 22.11.2020, 23.11.2020, 07.12.2020, 16.12.2020 and 07.01.2021 on which date the change of vakalat

was filed and when it was posted for arguments these Interlocutory Applications in I.A.Nos.1 & 2 of 2021 came to be filed.

6.It is also to be noted that D.W.1 is an aged person about 96 years who had been cross examined in detail. The learned District Munsif had also observed that D.W.2 and D.W.3 had already been cross examined and it had been observed that more than sufficient opportunities had been granted to the plaintiff for that purpose.

7.I am informed that subsequent to that particular order, the suit itself had been dismissed by Judgment and Decree passed by the learned District Munsif at Tiruttani on 09.07.2021 and hence nothing survives for adjudication in the present revision petitions.

8.The Civil Revision Petitions are therefore dismissed. Consequently, the connected miscellaneous petitions are also closed. No order as to costs.

23.07.2021

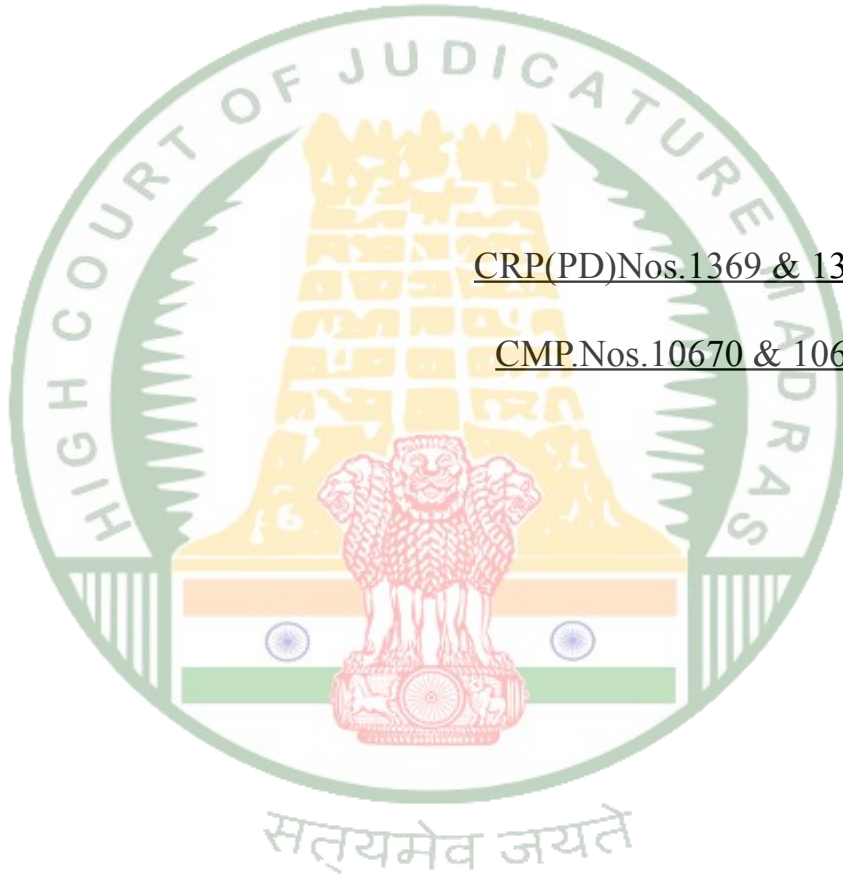
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C.V.KARTHIKEYAN, J.

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To

1.The District Munsif Court,
Tiruttani.



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