



COMMON ORDER

These Civil Revision Petitions are filed, challenging the orders

dated 01.04.2021 passed by the learned District Munsif, Sankarapuram in I.A.Nos.150 and 151 of 2021 in O.S.No.227 of 2012.

2. The learned counsel for the petitioner submitted that, the petitioner filed the suit against the respondent for the relief of permanent injunction in respect of the suit property. Petitioner's and the respondent's evidence was over. Petitioner wanted to reopen the case and recall D.W.1 for further cross examination. The reason is that, petitioner has to ask certain questions to D.W.1 with regard to certain documents. However, both the applications were dismissed. Against the said dismissal orders, these Civil Revision Petitions are preferred.

3. The respondent was served in these petitions and name is also printed in the cause list. No one appears for the respondent. The scope of these petitions is very limited and therefore, this Court proceeds further to pass orders in these petitions.



4. It is seen from the orders of the learned District Munsif that, the examination of the witnesses in the case, was over and the case was posted for arguments on 05.02.2021. It appears that, on 05.02.2021, both the parties have not come forward for advancing the arguments. Therefore, the Court gave opportunity for filing written arguments or advance arguments and posted the case for judgment on 15.02.2021. These petitions were dismissed on the other reasons that, no specific reasons were given for reopening the case and recalling D.W.1. It is also made clear in the order that, D.W.1 was extensively cross examined by the petitioner. The reading of the affidavit filed in support of these petitions shows that, absolutely no reason given except saying that, the petitioner wanted to ask D.W.1 about certain documents. When the evidence was completed and when the matter was pending for arguments, filing of these petitions, cannot be appreciated. However, with a view to give an opportunity to the petitioner before the trial Court for projecting his case, this Court is of the considered view that, the petitioner shall be given an opportunity to reopen the case and recall D.W.1 for further cross examination, subject to the payment of costs of Rs.5,000/- [Rupees Five Thousand only] to the respondent. Only on payment of



Rs.5,000/-, the petitioner may be permitted to further cross examine D.W.1.

On such payment, the learned District Munsif, is directed to fix a date for the cross examination of D.W.1 and on that date, his cross examination shall be completed. The learned District Munsif, is further directed to dispose of the suit as expeditiously as possible, preferably, within a period of two months from the date of receipt of a copy of this order.

5. With these observations, these Civil Revision Petitions are disposed of. Consequently, connected Miscellaneous Petition is closed.

29.10.2021

Speaking order / Non-speaking order

Index : Yes / No

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To

The District Munsif, Sankarapuram.



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C.R.P. (PD) Nos.2020 and 2021 of 2021
and C.M.P. No.15316 of 2021



G.CHANDRASEKHARAN, J.

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29.10.2021