

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.K. ILANTHIRAIYAN

**C.R.P.PD.Nos.2194 & 2195 of 2017
and
CMP.No.10487 of 2017**

M/s.Madhucorn Granites Limited
Represented by its Director,
578/B, Swetha Arcade 1st First Floor,
Service Road, 100 ft Ring Road,
Teachers Colony, HSR layout,
Bangalore 560 102
Karnataka

... Petitioner in both Civil Revision petitions

-Vs-

M/s.Jennis Shipping and Logistics Pvt. Ltd.,
Represented by its Managing Director
Office at 5th Floor, Tamarai Tech Park,
S.P. 16-19 & 20-A, Thiru Vi Ka Industrial Estate,
Chennai - 600 032.

... Respondent in both Civil Revision Petitions

Common Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order and decretal order in I.A.Nos.8982 & 8983 of 2016 in O.S.Nos.1717 & 1718 of 2014, on the file of VI Assistant Judge, City Civil Court, Chennai dated 03.11.2016.

For Petitioner : Mr.V.Raghavachari
(in both Civil Revision petitions)
For Respondent : No appearance
(in both Civil Revision Petitions)

COMMON ORDER

The present Civil Revision Petitions are filed against the fair and decreetal order in I.A.Nos.8982 & 8983 of 2016 in O.S.No.1717 of 2014, on the file of VI Assistant Judge, City Civil Court, Chennai dated 03.11.2016, thereby dismissing the petition to reopen and recall of PW1.

2. The petitioner is the defendant in the suit filed by the respondent for recovery of money. The respondent was examined as PW1 and when the matter was posted for cross examination of PW1, the petitioner failed to cross examine on several occasions. Therefore, he was set exparte and the Judgment was passed on 21.07.2015. Thereafter, the petitioner filed a petition to set aside the exparte decree and the same was allowed by an order dated 23.09.2015 and the matter was posted for cross examination of PW1.

The petitioner partly cross examined and further cross examination was repeatedly adjourned at request of the petitioner. However, he failed to cross examine and as such evidence of PW1 was closed and posted the suit for defendants side evidence.

3. At this Juncture, the petitioner filed a petition to reopen and recall of PW1 for further cross examination. It was dismissed by the Court below for the reason that though several opportunities were given to the petitioner, he failed to cross examine the PW1. The suit was filed for recovery of money and as such the petitioner may be given one more opportunity to defend the suit.

4. In view of the above, these Civil Revision petitions are allowed on payment of Rs.5,000/- cost to the respondent directly within a period of two weeks from the date of receipt of a copy of this order, failing which these Civil Revision Petitions stand automatically dismissed. If the petitioner fails cross examine the PW1 on the date fixed by the trial Court, the trial Court is directed to proceed with the trial in accordance with law and

dispose of the same within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

02.03.2021

Index: Yes / No
Speaking order / Non speaking order
kmm



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To

The VI Assistant Judge, City Civil Court, Chennai



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G.K. ILANTHIRAIYAN, J.

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