

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2021

CORAM

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

CRP.PD.Nos.950 & 992 of 2017 and
CMP.No.4880 of 2017

CRP.No.950 of 2017

K.Janakiram

..Petitioner

Vs.

1.R.Vikram

A.P.Balakrishnan(died)

2.R.Jaya

3.R.Janshi

4.Latha Subramanyam @ Latha @ Latha Maheswari

5.K.Subramanyam

6.A.B.Radha

7.V.U.Kavitha

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decreetal order in IA.No.492 of 2016 in OS.No.205 of 2010 on the file of the V Additional District Judge, Coimbatore dated 27.01.2017.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents

For R4 : Mr.E.K.Kumaresan
R5 : notice served
R1 to 3, 6&7 : exparte

CRP.No.992 of 2017

K.Janakiram

..Petitioner

Vs.

1.R.Vikram
A.P.Balakrishnan(died)
2.R.Jaya
3.R.Janshi
4.Latha Subramanyam @ Latha @ Latha Maheswari
5.K.Subramanyam
6.A.B.Radha
7.V.U.Kavitha

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decretal order in IA.No.515 of 2016 in OS.No.205 of 2010 on the file of the V Additional District Judge, Coimbatore dated 27.01.2017.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents

For R4 : Mr.E.K.Kumaresan
R5 : notice served
R1 to 3, 6&7 : exparte

COMMON ORDER

These civil revision petitions are filed against the order and decretal orders passed in IA.Nos.492 & 515 of 2016 in OS.No.205 of 2010 on the file of the V Additional District Judge, Coimbatore dated 27.01.2017, thereby dismissing the petition to reopen the plaintiff's evidence and dismissing the petition to seek permission to file reply statement.

2. In both the civil revision petitions, the petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for specific performance. When the suit was posted for defendants' evidence, the petitioner filed petition to reopen his side and the same was allowed on 31.08.2015. Thereafter, the petitioner examined PW2 and 3 and the suit was adjourned for further evidence of the plaintiff. Thereafter, the petitioner's side evidence was closed by endorsement dated 16.12.2015. Thereafter, the petitioner filed petition in IA.No.87 of 2016 to reopen the case for adducing further plaintiff's evidence. It was also allowed and the petitioner had paid batta to the witness i.e. Branch Manager of M/s.Canara Bank, Pollachi. The witness was present before the trial court on two occasions. Even

then, the petitioner was remained absent and no one examined the witness i.e. Branch Manager of Canara Bank.

3. Though the court below had given opportunity to the petitioner to examine the Branch Manager, the petitioner did not examine the Branch Manager and as such his evidence was closed on 29.06.2016. Thereafter, the suit was posted for respondents' evidence. They examined DW1 in chief and when the suit was posted for examination of DW1, the petitioner once again come forward with the petition to reopen to examine Branch Manager of Canara Bank. Simultaneously, he also filed petition to seek permission to file reply statement for the written statement filed in the year 2010. The suit was filed in the year 2010. Immediately, on 21.10.2010, the respondents filed written statement. In fact, he was already permitted to file reply statement for the written statement filed by the respondents and the same was received by the trial court. Therefore, the court below rightly dismissed both the petitions. As such this Court finds no irregularity or infirmity in the orders passed by the court below.

4. Accordingly, both the civil revision petitions are dismissed. The trial court is directed to complete the trial within a

period of six months from the date of receipt of copy of this order.
Consequently, connected miscellaneous petition is closed. No order as to costs.

30.03.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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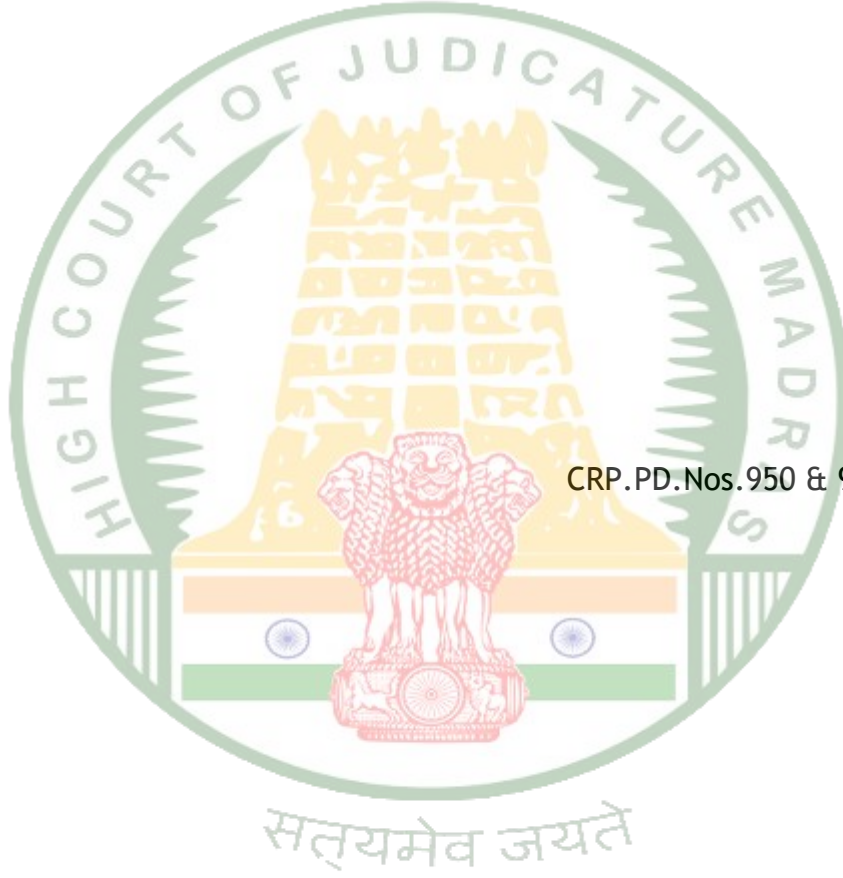
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G.K.ILANTHIRAIYAN,J.

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To

The V Additional District Judge,
Coimbatore



CRP.PD.Nos.950 & 992 of 2017

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30.03.2021