

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

C O R A M

THE HON'BLE MR. JUSTICE **KRISHNAN RAMASAMY**

C.R.P.(PD).No.3280 of 2018  
and C.M.P.No.18599 of 2018

1.Pichai Mandiri (died)  
2.Suburayalu

...Petitioners

Vs

1.Kasi  
2.Dhamodaran  
3.Varadhan

... Respondents

**Prayer** Civil Revision Petition filed under Article 227 of the Constitution of India, prayed to set aside the fair and decreetal order dated 10.09.2018 made in I.A.No.169 of 2018 in O.S.No.144 of 2010 on the file of the District Munsif Court, Kattpadi.

For Petitioners : Mr.R.Sankarasubbu  
For Respondents : Mr.E.Kannadasan

**ORDER**

This Civil Revision Petition has been filed against the order dated 10.09.2018 made in I.A.No.169 of 2018 in O.S.No.144 of 2010 on the file of the District Munsif Court, Kattpadi.

2.I.A.No.169 of 2018 was filed by the Revision Petitioners/defendants to

reopen the defence side evidence in the suit, which was closed on 02.04.2018 and the same was dismissed by the Court below. Against which, the present Civil Revision Petition has been filed.

3.The learned counsel for the petitioners submitted that when the suit was pending for the production of defence side witness, the 2<sup>nd</sup> Revision Petitioner was affected with jaundice and was taking natural medicine and hence he was not able to give instruction to his Advocate. Due to the absence, the defence side evidence was closed and posted for arguments. He further submitted that, the 2<sup>nd</sup> Revision Petitioner wants to produce the evidence and if one more opportunity is provided, the defence side evidence will be completed within a period of three weeks from the date of first hearing after obtaining the copy of this order.

4.Per Contra, the learned counsel for the respondents submitted that ample opportunity was provided to the petitioners herein to complete their evidence but they failed to do the same. Therefore, the Court below rightly closed the evidence on 02.04.2018.

5.Heard the learned counsel for the petitioners as well as the respondents and perused the materials available on record.

6.Upon perusal of the materials, it appears that the Court below has given number of opportunities to the petitioners to complete their evidence. The Court below, in its order has clearly mentioned that the case was adjourned for more than 10 occasions for the completion of the defence side evidence and taking into consideration the failure on the part of the petitioners, the Court below has rejected the application filed by the petitioners to re-open the defence side evidence.

7.No doubt, it was the default on the part of the Revision Petitioners, but, the the 2<sup>nd</sup> Revision Petitioner has come forward to produce the evidence and complete the entire evidence within a period of three weeks from the date of first hearing after obtaining the copy of this order. The order in I.A.No.169 of 2018 was passed in the year 2018. Against which the present Civil Revision Petition was filed in the same year and the suit was also pending after the filing of the Civil Revision Petition. Therefore, a period of another three weeks will

cause no prejudice and in the interest of the justice, it would be appropriate to decide the suit after the completion of the defence side evidence.

8.In view of the above, this Court is of the opinion that it would be appropriate to grant three weeks time to examine the defence side evidence. Therefore, the order in I.A.No.169 of 2018 in O.S.No.144 of 2010 dated 10.09.2018 is set aside. The Court below is directed to permit the petitioners to produce their evidence and the same shall be completed within a period of three weeks from the date of first hearing after the receipt of a copy of this order received by the Court below.

9.With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**23.02.2021**

Index: Yes/No

Internet: Yes/No

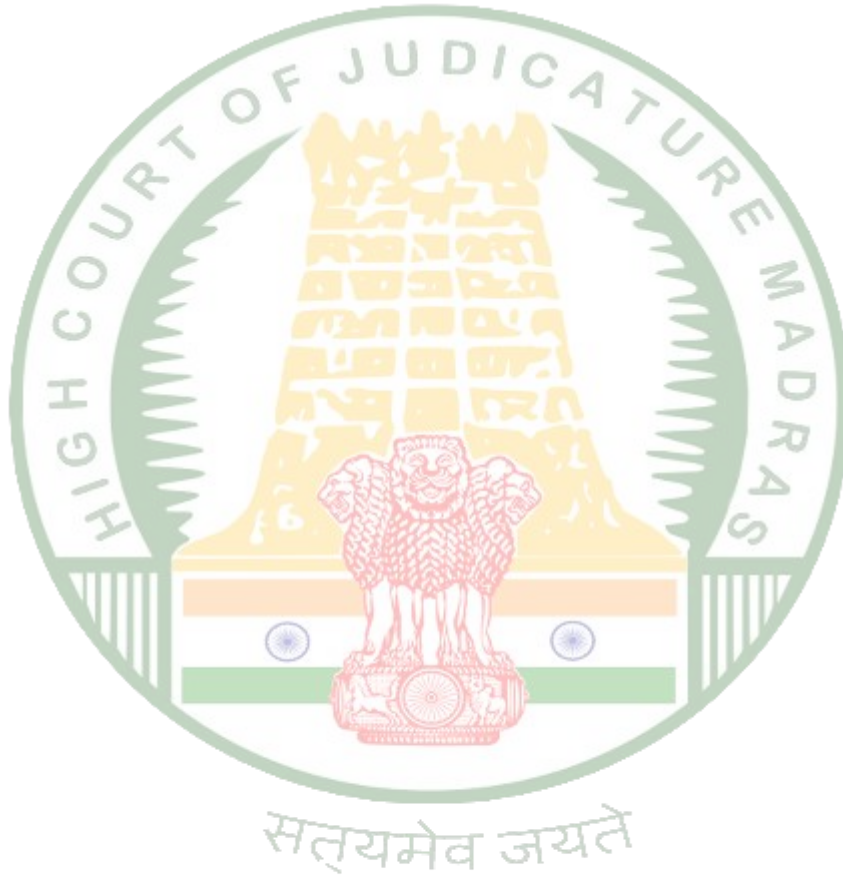
Speaking order/Non-speaking order  
rst

**Note:** Issue Order copy on 05.03.2021

To:

4/6

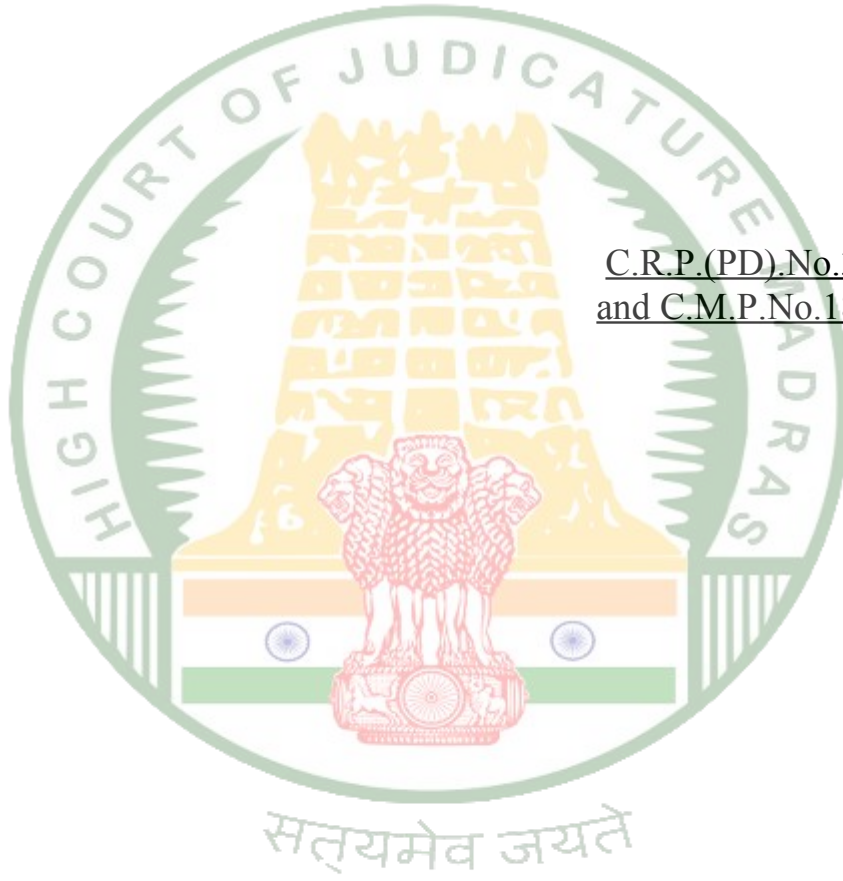
The District Munsif Court, Kattpadi.



WEB COPY

**KRISHNAN RAMASAMY,J.**

rst



C.R.P.(PD).No.3280 of 2018  
and C.M.P.No.18599 of 2018

23.02.2021

WEB COPY