



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.03.2021
CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**
C.R.P. (MD)No.344 of 2021

WEB COPY

1.M.Krishnan

2.S.Krishnan, S/o. Subburaman

3. S.Krishnan, S/o. Suruli Gounder

4. D.Ravichandran

5. Akkammal

6. A.Mariappan

7. V.Subramani

8. P.Kaliammal

... Petitioners/Defendants 2 to 4
6,9,13,15 & 16

Vs.

1. Aswin Venkatraman

2. Revathy Devaraj

3. Hari Venkatraman

... Respondents 1 to 3/
Plaintiffs

4. Pattiappan

5. A.Dhandapani

6. P.Veerappan

7. M.Ganesan

8. Palanisamy

9. K.Karuppana Mutharayer

10. R.Sachidhanandam

11. Arumugam

12. Amudha



13. Radhamani

14. Muthulakshmi

15. A.Thannasai

16. M.Ganesan

17. The Assistant Commissioner (Land Reforms),
The Sub-Collector, Palani,
Dindigul District.

18. The District Collector,
Dindigul District.

19. The Commissioner (Land Reforms),
Ezhilagam, Chennai.

(Respondents 4 to 19 are not necessary
Party hence they are given up)

... Respondents 4 to 19/
Defendants 1,5,7,8,10 to 12,
14 & 17 to 24

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order made in O.S.No.124 of 2013 by the Additional District Court (Fast Track Court), Palani dated 18.02.2021.

For Petitioners	: Mr.D.Venkatesh
For Respondents	: Mr.Shanmugaraja Sethupathy for R1 to R3 Mr.J.Gunaseelan Muthiah, Additional Government Pleader for RR 17 to 19

ORDER

This civil revision petition has been filed to set aside the docket order dated 18.02.2021 made in O.S.No.124 of 2013 on the file of the Additional District Court (Fast Track Court), Palani.

2. The respondents 1 to 3 are the plaintiffs in the suit in O.S.No.124 of 2013 and the revision petitioners are the defendants 2 to 4, 6,9,13,15 and 16.

3. Learned counsel for the petitioners submitted that the respondents 1 to 3 filed the suit in O.S.No.124 of 2013 against the revision petitioners herein seeking relief for declaration and permanent injunction. He further submitted that during the course of trial, the learned Judge citing the direction of this Court vide order dated 20.11.2020, to dispose of the said suit within three



months time, closed the evidence of PW1. Aggrieved over the same, the petitioners filed the present civil revision petition.

4. Heard the learned counsel for the parties and perused the materials placed before this Court.

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5. Admittedly, the suit is of the year 2013. Earlier, C.R.P(MD) No.1915 of 2019 has been filed by the plaintiffs as petitioners for early disposal of the above suit and this Court by an order dated 24.10.2019 directed the trial Court to dispose of the above suit within a time frame, thereafter, the time has been extended to 03.07.2020 and by an order dated 03.07.2020, this Court extended the time for another three months and finally by this Court on 20.11.2020 for a period of three months. PW1 was examined in cross continuation by D2 to D7, D9 to D16 in part and the counsel for D2 to D7, D9 to D16 has cross-examined PW1 for ten hearings and the learned Judge finding that the cross-examination of D2 to D7, D9 to D16 runs from page Nos.22 to 61. This Court at the instance of the respondents has directed the learned Judge to dispose of the above suit within a time frame and this Court extended the time thrice. It appears that the cross-examination of PW1 by the defendants has been done days together and the learned Judge has insisted upon the counsel for D2 to D7, D9 to D16 to complete the cross-examination of PW1 on 18.02.2021 itself, but it was not completed and therefore, the learned Judge has closed the cross-examination of PW1 by D2 to D7, D9 to D16.

6. The petitioner under the guise of cross-examination, it appears that they had been examining the petitioner's witness for days together. As a final chance, the counsel for D2 to D7, D9 to D16 are given further two days more to complete the cross-examination of PW1 as on the dates fixed by the learned Judge and the cross-examination of the petitioner's witness shall be completed by other defendants also within a period of 15 days on day to day basis and the learned Judge to see whether the defendants wantonly and willfully had cross examined the PW1 by vexatious questions just to prolong the matter and if such tactics are adopted by the defendants, the learned Judge shall close the evidence and proceed with the case in the manner known to law, by keeping into consideration the suit is of the year 2013 and the direction passed by this Court to dispose of the case within the time limit.

7. Accordingly, the order passed by the learned Judge dated 18.02.2021 is set aside and an opportunity shall be given to the defendants as stated above. With these observations and directions, this Civil Revision Petition is disposed of. No costs.

Sd/-

03.03.2021

**This Petition having been posted on 22.03.2021 " for Being
Mentioned in pursuance to the order of this court dated 03.03.2021**

<https://hmcourtsonline.gov.in/>



and made herein in the presence of the abovesaid Advocate, this court made the following order:

The matter has been listed today under the caption 'for being mentioned' at the instance of the learned counsel for the petitioner.

2.The learned counsel for the petitioners/D2 to4,6,9,13,15 and 16 would state that for cross examination of the petitioners' side witnesses by the other defendants, only 15 days time has been given and he would pray for one month time for such cross examination.

3.Considering the said submission, the time of 15 days granted for the cross examination of the petitioners' witnesses by the other defendants is modified as 30 days on day-to-day basis.

4.Registry is directed to carry out necessary correction and issue corrected copy of the order.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

Additional District Judge (Fast Track Court),
Palani.

+1 CC to Mr.D.VENKATESH, Advocate (SR-9056[F] dated 05/03/2021)

+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-8915[F] dated 04/03/2021)

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