



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 02.07.2021

PRONOUNCED ON : 09.07.2021

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

CRP(MD)No.1232 of 2014

MP(MD) .No.1 of 2014

(Through Video Conferencing)

Ganesan

...Petitioner

Vs

Velayudham

...Respondent

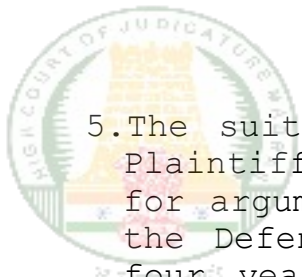
Prayer:- This Civil Revision Petition has been filed, to set aside the fair and decreetal order dated 26.03.2014, made in IA.No.179 of 2014 in OS.No.105 of 2006, by the District Munsif, Aranthangi, Pudukkottai District.

For Petitioner : Mr.Prasanna Rajadurai for Mr. Na. Palaniyandi

For Respondent : No Appearance

ORDER

- 1.This Civil Revision Petition has been filed, to set aside the fair and decreetal order dated 26.03.2014, made in IA.No.179 of 2014 in OS.No.105 of 2006, by the District Munsif, Aranthangi, Pudukkottai.
- 2.The facts of the case, in a nutshell, are that the Plaintiff is the Petitioner and the Respondent is the Defendant. The suit was filed for declaration and permanent injunction. The Petitioner had filed the above application to reopen the case and to examine the Respondent with his Employer and the same was dismissed by the impugned order. Hence, this Civil Revision Petition has been filed.
- 3.The learned counsel for the Petitioner has submitted that since the Respondent's employer's records and the evidence of the Respondent's Employer are essential to prove the case of the Petitioner, the said application ought to have been allowed.
- 4.This court heard the learned counsel for the Petitioner and carefully perused the materials placed on record. There is no response for the Respondent.



- 5.The suit is of the year 2006. The evidence on the side of the Plaintiff commenced in the year 2010. When the case was posted for arguments, the application seeking to examine the Employer of the Defendant had been filed belatedly, in 2014, after lapse of four years. The Plaintiff should have taken necessary steps to examine the said witness at the threshold itself or at the time when the evidence was going on and only to drag on the proceedings, the said application had been filed. Considering the said reasons, the court below had rightly refused to reopen the case to examine the said witness, by the impugned order, which warrants no interference by this Court.
- 6.In fine, this Civil Revision Petition is dismissed. No costs. Consequently, the connected MP is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Srcm

To

1.The District Munsif, Aranthangi, Pudukkottai District.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-22189[F] dated 12/07/2021)

Pre-Delivery Order in
CRP(MD)No.1232 of 2014
09.07.2021

MGJ(19.07.2021) 2P 3C