



C.R.P.Nos.4095 and 4096 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2022

CORAM

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

C.R.P.Nos.4095 and 4096 of 2016
and C.M.P.Nos.20712 and 20713 of 2016

1. S.Kalyanasundaram

2. S.Tharani

.. Petitioners **in both C.R.Ps**

Vs.

1. S.Karthikeyan

2. S.Manikantan

3. Muruthapandian

.. Respondents **in both C.R.Ps**

Common Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India to allow the Civil Revision Petitions to set aside the Fair Order and Decreetal order dated 06.07.2016 made in I.A.No.2575 of 2016 and I.A.No.2576 of 2016 in O.S.No.7724 of 2008 by the VII Assistant City Civil Court, Chennai and allow these Civil Revision Petitions

In both C.R.Ps

For Petitioners : Mr.M.Stalin

For Respondents

R1 and R2 : Mr.G.Vinoth Kumar
for Mr.K.Bijai Sundar

R3 and R4 : No appearance
Notice served

COMMON ORDER



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These Civil Revision Petitions have been filed as against the Fair and Decreeal Orders made in I.A.No.2575 of 2016 and I.A.No.2576 of 2016 in O.S.No.7724 of 2008 dated 06.07.2016, passed by the VII Assistant City Civil Court, Chennai, thereby dismissed the petition to reopen and recall the evidence of P.W.1.

2. Heard, Mr.M.Stalin, learned counsel appearing for the petitioners and Mr.G.Vinoth Kumar, learned counsel appearing for the respondents 1 and 2.

3. The petitioners are the defendants in the suit filed by the respondents 1 and 2 herein for declaration declaring that the two sale deeds dated 26.10.1994 registered as Document Nos.2023 of 1994 and 2024 of 1994, as null and void and also for claiming damages.

4. On the side of the plaintiffs they had examined P.W.1 in chief, on 27.10.2015. On that date, the petitioners did not cross examine P.W.1 and filed a petition for adjournment and the same was allowed, on condition that the petitioners shall cross examine P.W.1, on 25.01.2016.

5. However, on 25.01.2016, when P.W.1 was present in the Trial Court,



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again the petitioners failed to cross examine P.W.1. At that juncture, the petitioners filed petitions to reopen and recall the evidence of P.W.1. The plaintiffs' witness was also closed and as such the Court below rightly dismissed the petitions and this Court finds no infirmity or illegality in the order passed by the Court below and these petitions are liable to be dismissed. The Trial Court is directed to dispose of the suit, within a period of six months from the date of receipt of a copy of this order, if not already disposed of.

6. Accordingly, these Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

15.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.



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To

The VII Assistant City Civil Court, Chennai.

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