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C.R.P.(PD) No.1772 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.1772 of 2022
and C.M.P.No.8922 of 2022

Gayathri

... Petitioner

Vs.

1.Rajagopal
2.Thulasi Naicker

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 29.04.2022 passed in I.A.No.6 of 2022 in O.S.No.32 of 2002 pending on the file of the District Munsif Court, Chengalpet.

For Petitioners : Mr.C.Rajan

For Respondents : No appearance

ORDER

This Civil Revision Petition has been filed, challenging the docket order of the learned District Munsif, Chengalpet dated 29.04.2022 made in I.A.No.6 of 2022 in O.S.No.32 of 2002.



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2. The petitioner is the plaintiff in the suit who got himself examined as P.W.1. The respondents/defendants have filed a petition in I.A.No.6 of 2022 for seeking a prayer to recall P.W.1 for further cross examination and the same was allowed on payment of cost. Aggrieved over that, the petitioner/plaintiff has preferred this petition.

3.The learned counsel for the petitioner submitted that despite the respondents have cross examined P.W.1 at length and not making use of the opportunity, whenever P.W.1 was present by getting frequent adjournment, have chosen to file yet another petition in I.A.No.6 of 2022 to recall P.W.1 for further cross examination. He further submitted that the conduct of the defendants would only show his dilatory tactics and hence, the learned trial Judge ought not to have allowed the petition in I.A.No.6 of 2022.

4.Despite the learned trial Judge allowed I.A.No.6 of 2022, the concern of the learned Judge as seen from the order would show that it is for enabling the suit to get disposed at the earliest.



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5. Taking into consideration of the endeavour of the learned trial Judge to dispose of the suit itself at the earliest, I feel the interest of the justice will be served if the Civil Revision Petition is disposed of with a direction.

6. Accordingly, the Civil Revision Petition is disposed of with a direction to the learned trial Judge to finish the further cross examination of P.W.1 within one week from the date of receipt of a copy of this order and dispose of the suit itself within a period of two months, thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

10.06.2022

Index : Yes/No
Speaking Order : Yes / No
vkr

Note: Issue order copy on 13.06.2022

To

1. The District Munsif,
Chengalpet.
2. The Section Officer,
VR Section, Madras High Court,

3/4



Chennai.

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R.N.MANJULA, J.,

vk

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