



C.R.P.No.2242 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM

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

C.R.P.No.2242 of 2019
and C.M.P.No.14541 of 2019

1. Gunasekaran
2. Suri
3. Chandra .. Petitioners

Vs.

Sankari .. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of Constitution of India to set aside the order passed in I.A.No.1 of 2019 in O.S.No.28 of 2009, dated 05.04.2019 on the file of the Subordinate Judge, Ranipet, Vellore District and allow the CRP.

For Petitioners : Mr.K.Mohanamurali

For Sole Respondent : Mr.P.Mani

ORDER

This Civil Revision Petition has been filed to set aside the order passed in I.A.No.1 of 2019 in O.S.No.28 of 2009, dated 05.04.2019 on the file of the Subordinate Judge, Ranipet, Vellore District, thereby dismissing the petition filed to recall DW1 for further examination.

2. Heard both sides.



3. A perusal of records revealed that the petitioners are the defendants 2 to 4 in the suit filed by the respondent for partition in O.S.No.28 of 2009. On the side of the respondents D.W.1 was examined in chief. After cross examining D.W.1 in part, the petitioners are taking time for further cross examination. Thereafter, the petitioners failed to cross examine D.W.1 and subsequently the evidence of the respondents closed. Therefore, the petitioners filed a petition to recall D.W.1 for further cross examination and the same was dismissed. Admittedly, D.W.1 was partly cross examined and his evidence is not closed.

4. Considering the above facts and circumstances, this Court is of the opinion that the petitioners may be given one more opportunity to complete the cross examination of D.W.1, on payment of cost of Rs.2500/- directly to D.W.1.

5. If the petitioners fail to cross examine D.W.1 on the date fixed by the Trial Court, the Trial Court is directed to proceed with the trial in accordance with law. 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.

6. In view of the above, the order passed in I.A.No.1 of 2019 in



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O.S.No.28 of 2009, dated 05.04.2019 on the file of the Subordinate Judge,

Ranipet, Vellore District, is hereby set aside. Accordingly, this Civil Revision

Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

No costs.

23.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

mn

G.K.ILANTHIRAIYAN,J.

mn



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WEB COPY

To
The Subordinate Judge, Ranipet, Vellore District.

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