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C.R.P.(PD).Nos.2052 & 2054 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

C.R.P.(PD).Nos.2052 and 2054 of 2020

and

C.M.P.Nos.12894 of 2020 & 7832 of 2021

1.C.Ravisekaran

2.K.Sivanandam

3.A.K.Gopal ...Petitioners/Defendants 3 to 5 in both the petitions

Versus

G.Natarajan

...Respondent/Plaintiff in both the petitions

Common Prayer: These Civil Revision Petitions are filed under Article 227 of Constitution of India, as against the fair and decretal orders of the Principal District Munsif Court, Vellore, dated 03.01.2020 passed in I.A.Nos.436 & 548 of 2019 in O.S.No.869 of 2004.

In both the petitions

For Petitioners : Mr.P.Jagadeesan

For Respondents : Mr.S.Raghavan



COMMON ORDER

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The learned counsel for the petitioners as well as the learned counsel for the respondent present.

2.Heard both sides.

3.It is submitted by the learned counsel for the petitioners that two Civil Revision Petitions Nos.2052 and 2054 of 2020 have been filed by the petitioners against the dismissal order passed by the trial Court in I.A.Nos.436 & 548 of 2019 in O.S.No.869 of 2004.

4.The learned counsel for the petitioners would submit that the petitioners before the trial Court filed these two petitions in I.A.Nos.436 & 548 of 2019, to re-open the plaintiffs evidence and to recall for P.W.1 for cross-examining with regard to the earlier statement made by the plaintiff before the Sub-Court, Vellore and the trial Court, without considering the same, has erroneously dismissed those petitions, which is very relevant for adjudication of the main suit.



5.Per Contra, Mr.S.Raghavan, learned counsel for the respondent would submit that on earlier occasion, the very same petitions were filed by the petitioners in I.A.Nos.572 & 573 of 2018 which were dismissed on merits after considering the elaborate arguments and again for the very same purpose, these two petitions have been filed by the petitioners which were rightly dismissed by the trial Court and no interference is called for in these petitions.

6.The learned counsel for the petitioners would submit that the prayers in both the petitions are different and the present I.A.Nos.436 & 548 of 2019 have been filed for limited purpose for enlightening the contradictory statement given by P.W.1 before the Sub-Court, Vellore and it is only for limited purpose.

7.On perusal of the case records, it is clear that the earlier petition filed by the petitioners is for re-open the case and to recall P.W.1 for further cross-examination without mentioning any particular purpose. But, whereas the applications in I.A.No.436 of 2019 have been filed to re-call P.W.1 to contradict his statement pertaining to the cancellation of power of attorney. The earlier petition, the petitioners have not stated any specific reason



whereas in I.A.No.436 of 2019 the reason stated is to contradict his earlier statement.

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8.The trial Court after hearing the arguments of both sides, has rightly found out that the interlocutory applications in I.A.Nos.572 and 573 of 2018 were filed by the petitioners earlier for the very same purpose, i.e. to reopen the evidence and to recall the petitioners on the same ground that P.W.1 is to be cross-examined in respect of the earlier statement made before the Sub-Court, Vellore and those applications were dismissed on merit after thorough discussion of arguments of both sides. The trial Court has also rightly dismissed the petition filed by the petitioners which were filed for the 2nd time. If at all the petitioners were aggrieved against the earlier order, they ought to have filed appropriate petition to set aside the order passed in the previous petitions. This Court does not find any infirmity to interfere with the order passed by the Court below and hence, these Civil Revision Petitions are liable to be dismissed.

9. Accordingly, the Revision Petitions are dismissed. No costs. The learned counsel for the respondent would submit that the suit is of the year 2004 and a suitable direction may be given to trial Court to dispose of the



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same by prescribing a time limit. Considering the same, since the suit is of the year 2004, the trial Court is directed to proceed with the trial and dispose of the suit within a period of six months from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

14.06.2022

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Index : Yes / No

Internet : Yes / No

To

The Principal District Munsif Judge,
Vellore,



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S.KANNAMMAL, J.

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