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C.R.P.(PD) Nos.3026 & 3027 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(PD) Nos.3026 & 3027 of 2021

and

C.R.P.(PD) Nos.252 & 253 of 2022

K.Seenivasan

.... Revision Petitioner in all CRPs
/ Petitioner / Defendant

Vs.

Ramamurthy

.... Respondent in all CRPs /
Respondent / Plaintiff

Common Prayer in CRP (PD) Nos.3026 & 3027 of 2021 : Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 06.08.2021 passed in I.A.No.827/2019 in O.S.No.22/2018 and I.A.No.826/2019 in O.S.No.22/2018 by the learned District Munsif, Tambaram and to extend the time for payment of cost as per the conditional order dated 20.07.2021 passed in I.A.No.827/2019 in O.S.No.22/2018; I.A.No.826/2019 in O.S.No.22/2018 and to pass suitable orders or direction as may deem fit and proper in the circumstances of the case.



C.R.P.(PD) Nos.3026 & 3027 of 2021

Common Prayer in CRP (PD) Nos.252 & 253 2022 : Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the impugned conditional fair order dated 20.07.2021 passed in I.A.No.826/2019 in O.S.No.22/2018 and I.A.No.827/2019 in O.S.No.22/2018 by the learned District Munsif, Tambaram and allow the I.A.No.826/2019 in O.S.No.22/2018 and I.A.No.827/2019 in O.S.No.22/2018, and to pass suitable orders or direction as may deem fit and proper in the circumstances of the case.

For Petitioners : Mr.G.Narayanan

For Respondent : Mr.Praveen Purohit

ORDER

The defendant in O.S.No.22/2018 on the file of District Munsif Court, Tambaram, is before the Court with this batch of civil revision petitions. The suit is laid for eviction of the revision petitioner, and he contested the suit.

2. The trial of the case has commenced, and the plaintiff was examined as P.W.1 in chief. When the suit was posted for cross-examination, the defendant was absent, and P.W.1's evidence was closed. Therefore, the defendant has filed applications in I.A.Nos.826 and 827 of 2019 for re-



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opening the evidence of P.W.1 and recalling P.W.1. These applications were allowed on 20.07.2021 with a cost of Rs.500/- to be paid to the plaintiff, within the time stipulated, and with a condition that the defendant has to cross-examine P.W1 on 06.08.2011. The cost was not paid. Since, the cost was not paid within the time stipulated, consequently these two applications in I.A.Nos.826 and 827 of 2019 came to be dismissed on 06.08.2021.

3. Now the revision petitioner is before this Court in these revisions seeking to set aside and restore the aforesaid orders, and to extend the time in paying the costs as directed by the trial Court.

4. The learned counsel for the revision petitioner submitted that the defendant may be given an opportunity to cross-examine P.W.1, and one small default in paying the cost has created a situation to the defendant.

5. Heard the learned counsel on both sides. The interest of substantial justice involved in the matter which mandates the Court, extends procedural facility to the defendant to cross-examine the plaintiff.



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6. In the result, all the civil revision petitions are allowed. The trial Court is now required to complete the cross-examination of P.W.1 on or before 30.04.2022. No costs.

21.03.2022

Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order

ds

To:

The Principal Munsif
Tambaram.



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N.SESHASAYEE.J.,

ds

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and CRP(PD) Nos.252 & 253 of 2022

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