



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

CRP (PD) Nos.118, 119 & 120 of 2017
and
C.M.P.Nos.546, 547 & 548 of 2017

C.Annadurai

... Petitioner/Plaintiff/Petitioner
(in all CRPs)

Vs.

1.Vajjiravel
2.Lakshmanan
3.Harikrishnan
4.Babu
5.Kumar

... Respondents / Defendants / Respondents (in all CRPs)

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 05.12.2016 in unnumbered I.A.No. of 2016 in O.S.No.117 of 2014 on the file of Subordinate Court, Arakkonam.

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition and order dated 04.01.2017 in unnumbered I.A.No. of 2016 in O.S.No.117 of 2014 on the file of the



Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the petition and order dated 20.12.2016 in unnumbered I.A.No. of 2016 in O.S.No.117 of 2014 on the file of the Subordinate Court, Arakkonam.

For Petitioner .. Mr.A.Gouthaman (in all CRPs)

For Respondents .. Mr.A.Saranraj (in all CRPs)

ORDER

There are two suits which are pending on the file of the Subordinate Court at Arakonam. O.S.No.117 of 2014 had been filed by the revision petitioner herein seeking specific performance of an Agreement of Sale. O.S.No.100 of 2015 had been filed by the respondents herein seeking permanent injunction restraining the revision petitioner herein from interfering with peaceful possession. Both the suits were taken up for trial. Evidence was let in. The plaintiff in O.S.No.117 of 2014 who had filed the suit for specific performance led evidence. He examined witnesses PW1, PW2 and PW3. All the three evidence have also been cross-examined. Thereafter, the respondents herein / plaintiffs in O.S.No.100 of 2015 who filed the suit for permanent



injunction adduced evidence and examined DW-1 and DW-2. The entire necessity for filing of the present three Civil Revision Petitions arose owing to the cross-examination of DW-1, wherein, he had stated about a well, a motor pump set and about laying of pipelines through the agricultural fields. The answers given during the cross-examination has agitated the plaintiff in O.S.No.117 of 2014 and that made him to file an application seeking appointment of an Advocate Commissioner.

2.The grievance of the learned counsel for the revision petitioner is that such application was rejected, even without being numbered by the learned Sub Judge Arakkonam. The learned counsel stated that a further application was filed to reopen, but that was also rejected and then, a further application was filed seeking stay of the suit and that was also rejected. All these orders necessitated filing of the present three Civil Revision Petitions before this Court.

3.Let me not enter into a discussion on the facts of the case. I am confident that the counsels would proceed with the trial and I am also informed that the evidence on the side of the revision petitioner / plaintiff in O.S.No.117 of 2014 and the evidence on the side of the respondents



herein / plaintiffs in O.S.No.100 of 2015 have both been completed and both the suits are now posted for arguments. During the course of arguments, legal issues on the aspects raised during the course of cross-examination can be put forward to the learned Sub Judge, Arakkonam by way of arguments. Certainly learned counsels can put forth arguments on the points of law. Let them proceed to do that. A direction is given to the learned Sub Judge, Arakkonam to dispose of both the suits after hearing both the parties, on or before 30.04.2022.

4.With the above observations, all the three Civil Revision Petitions are disposed of. Consequently, connected Civil Miscellaneous Petitions are closed. No order as to costs.

28.02.2022

Internet:Yes/No
Index:Yes/No
smv

To
1.The Sub Court Arakonam.



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C.V.KARTHIKEYAN,J.

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