



C.R.P(PD)Nos.714 & 715 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P(PD).Nos.714 & 715 of 2017

and

CMP.Nos.3600 & 3601 of 2017

Ramalingam

..Petitioner in both CRPs

Vs.

Kaliammal

..Respondent in both CRPs

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order and decretal order passed in I.A.Nos.1118 & 1119 of 2015 in O.S.No.830 of 2007 on the file of the Additional District Munsif Court at Namakkal dated 18.11.2016.

For Petitioner in both CRPs : Mr.V.K.Vijayaragavan

For Respondents in both CRPs : Mr.S.Kalyanaraman

COMMON ORDER

Both the Civil Revision Petitions arise from O.S.No.830 of 2007, which is hopefully not pending or pending before the Additional District Munsif Court at Namakkal. I have drawn a presumption regarding the



C.R.P(PD)Nos.714 & 715 of 2017

pendency or non-pendency of the said suit owing to the fact that either of the two learned counsels are also aware whether there has been further progress in recording evidence in the said suit pending the Civil Revision Petitions. The plaintiff in the aforementioned suit had filed the present Civil Revision Petition, questioning two separate orders in I.A.Nos.1118 & 1119 of 2015.

2.In view of the nature of the order to be passed let me not even examine the reason for institution of the suit or the reliefs sought in the suit. It is suffice to point out that on the side of the revision petitioners, two witnesses were examined namely, P.W.1 & P.W.2. P.W.1 was the plaintiff himself. Thereafter, evidence on the side of the plaintiff was closed. It was posted for evidence on the side of the defendant. At this stage, two interlocutory applications came to be filed to re-open the evidence on the side of the plaintiff and to re-call for further examination both P.W.1 and P.W.2.

3.Under very unfortunate circumstances, my necessity to apply mind over the revision petitions had been stated to be not necessary owing to



C.R.P(PD)Nos.714 & 715 of 2017

the extremely unfortunate circumstance that P.W.1 has subsequently died.

Therefore, the issue of re-calling him and putting him in the witness box will not at all arise.

4.It is also stated by the learned counsel for the revision petitioners, which statement has not confirmed by the learned counsel for the respondent that the respondent / defendant had also tendered evidence. If that be the case, a direction is given to the Additional District Munsif, Namakkal to proceed further and if the suit had already not been disposed of, dispose it of on or before 30.04.2022. If the said suit had been disposed of by this date then, the said direction should not or cannot be followed.

5.The learned counsel for the revision petitioners state that they will proceed further, if the evidence still to be recorded.

6.In view of the aforesaid reason, this Civil Revision Petitions are dismissed. Both the parties are directed to go back to the Trial Court and examine the status as on date. If the defendant has to be examined, the



C.R.P(PD)Nos.714 & 715 of 2017

defendant may be examined and disposal of the suit is to be given on or before 30.04.2022. If the defendant had already been examined then the suit must be disposed by 30.04.2022. If the suit had already been disposed then, the present order will become otious. No costs. Consequently, connected miscellaneous petitions are closed.

14.03.2022

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order



WEB COPY

To:-

The Additional District Munsif Court,
Namakkal.



C.R.P(PD)Nos.714 & 715 of 2017



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C.R.P(PD)Nos.714 & 715 of 2017

C.V.KARTHIKEYAN, J.

KKN

C.R.P(PD).Nos.714 & 715 of 2017
and
CMP.Nos.3600 & 3601 of 2017

14.03.2022