



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CR.P. (MD)Nos.562 & 563 of 2022

and

C.M.P. (MD)No.2388 of 2022

Sureshkumar

...Petitioner/Petitioner/Defendant
in both CRPs.

Vs.

Durairaj

...Respondent/Respondent/Plaintiff
in both CRPs.

COMMON PRAYER: Civil Revision Petition under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.12.2021 made in I.A.Nos.8 & 9 of 2021 in O.S.No.263 of 2018 on the file of the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli, allow the Civil Revision Petition.

In both CRPs.

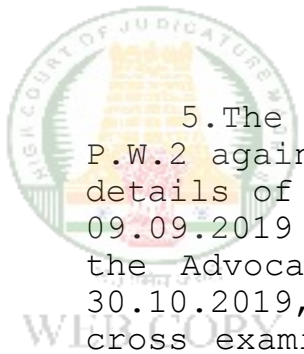
For Petitioner :Mr.D.S.Haroon Rasheed

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the fair and decreetal order, dated 03.12.2021 in I.A.Nos.8 & 9 of 2021 in O.S.No.263 of 2018 passed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli.

3.The revision petitioner herein/defendant filed a petition in I.A.No.8 of 2021, under Order 18, Rule 17 and Section 151 of Civil Procedure Code, to recall the P.W.1 & P.W.2 for further cross examination of P.W.1 & P.W.2 and the petition in I.A.No.9 of 2021 was filed under Section 151 of Civil Procedure Code, to reopen the case for further cross examination of P.W.1 & P.W.2. The said petitions were dismissed on 03.12.2021. Against the same, the revision petitioner is before this Court.

4.Heard on either side. Perused the material documents available on record.



5.The revision petitioner wants to cross examine the P.W.1 & P.W.2 again with some available documents, but he has not stated the details of the documents. Already P.W.1 has filed proof affidavit on 09.09.2019 and he is aged about 89 years. P.W.1 was examined through the Advocate commissioner. After cross examination of P.W.1 on 30.10.2019, P.W.2 was examined on 06.02.2020. Against P.W.1 was cross examined on 06.01.2021. On 09.03.2021, P.W.2 was also cross examined by the defendant. Now, the case was posted for defendant's side evidence. Without filing any documents or without filing a petition to receive documents the petitioner has simply filed petitions for reopen and recall of P.W.1 & P.W.2. P.W.1 was aged about 89 years and both the witnesses were cross examined full and the suit is of the year 2018. This Court is not inclined to interfere with the order passed by the Court below.

6.Accordingly, this Civil Revision Petition is dismissed by confirming the fair and decreetal order, dated 03.12.2021 in I.A.Nos.8 & 9 of 2021 in O.S.No.263 of 2018 passed by the learned I Additional District and Sessions Judge (PCR), Tiruchirappalli. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The I Additional District and Sessions Judge (PCR),
Tiruchirappalli.

C.R.P. (MD)Nos.562 & 563 of 2022
23.03.2022

RK(19/04/2022) 2P 2C