



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP (MD) .Nos. 358 and 359 of 2022

P. Vijayakumar

.. Petitioner/Petitioner /
Defendant in both CRPs

Vs

Mahalakshmi

.. Respondent/Respondent/
Plaintiff in both CRPs

Common Prayer: These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the fair and decreetal order dated 17.09.2021 passed in I.A.Nos.5 and 6 of 2021 in O.S.No.114 of 2015 on the file of the Additional District Court (Fast Track Court), Tenkasi and allow present ARP.

For Petitioner in both CRPS ..Mr.R.J.Karthick

For respondents in both CRPs..Mr. M. Kannan

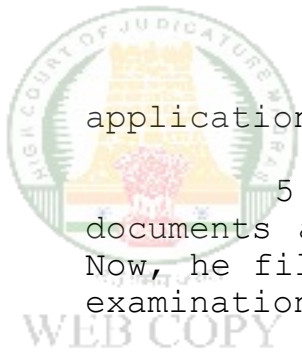
COMMON ORDER

The revision petitioner / defendant filed these revisions to set aside the orders passed in I.A.Nos.5 and 6 of 2021 in O.S.No.114 of 2015 on the file of the Additional District Court (Fast Track Court), Tenkasi.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The said interlocutory applications filed by the petitioner / defendant before the Court below to recall the evidence of PW.1 for cross examination.

4. The counsel appearing for the respondent / plaintiff filed a copy of the passport of the respondent / plaintiff and stated that she is residing at Berlin and she will be there till 2023. He would further submit that already PW.1 was examined and posted for cross examination for several hearings, finally, on 14.12.2018 the suit decreed as ex parte. Again the petitioner filed a delay condonation petition and to set aside the ex parte decree petition and the same were allowed. Again PW.1 was recalled and examined on 09.02.2021. Now, the petitioner filed two documents along with the petition and want to cross examine the PW.1. The petitioner fully knowing that PW.1 is at aboard filed these



applications.

5. The trial Court stated in the order that already documents are questioned at the time of cross examination of PW.1. Now, he filed these petitions to receive the documents and for cross examination.

6. Since PW.1 is residing at Berlin and also no chance to come to India before 2023 and already PW.1 was belatedly cross examined and also cross examined about the documents filed by the petitioner, the trial Court has rightly dismissed the applications and hence, this Court has not find any valid reasons to interfere with the orders passed by the Court below.

7. Accordingly, the Civil Revision Petitions are dismissed by confirming the orders passed in I.A.Nos.5 and 6 of 2021 in O.S.No.114 of 2015 on the file of the Additional District Court (Fast Track Court), Tenkasi. No costs.

Sd/-

Deputy Registrar (A/C's)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Additional District Judge(Fast Track Court), Tenkasi.

+1 CC to M/s.M.KANNAN, Advocate (SR-10897[F] dated 09/03/2022)

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KS (CO)

KB(17.03.2022) 2P 3C