



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2022

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.781 of 2022

and

C.M.P. (MD) No.3138 of 2022

Rajesh Kannan

...Petitioner/Petitioner/
Defendant

Vs.

Santhana Lakshmi

...Respondent/Respondent/
Plaintiff

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to set aside the fair and decreetal order dated 17.02.2022 made in I.A.No.16 of 2022 in O.S.No.96 of 2012 on the file of the learned Additional Sub Judge, Pudukkottai.

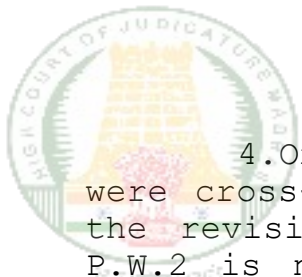
For Petitioner : Mr.S.I.Muthiah

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 17.02.2022 made in I.A.No.16 of 2022 in O.S.No.96 of 2012 by the learned Additional Sub Judge, Pudukkottai.

2.The learned counsel for the petitioner submitted that P.W.1 and P.W.2 was examined and they were cross-examined by the first defendant in the suit only on 18.11.2021. The petitioner being the second defendant in the suit filed a petition to recall P.W.1 and P.W.2 for cross-examination. But the same was dismissed by the Court below by stating that the petition was filed the petitioner after one year from the date of examination of the plaintiff's side witnesses in chief. However, the suit was posted only on 25.11.2021 for the defendants' side evidence and closed on 14.02.2022 only. The time granted for evidence of the defendants is a very short span of time. Hence, he filed this civil revision petition.

3.Heard the learned counsel for the petitioner. Considering the nature of relief to be granted, issuance notice to the respondent is dispensed with.



4.On a perusal of records, it is seen that P.W.1 and P.W.2 were cross-examined by the first defendant on 18.11.2021. Whether the revision petitioner/second defendant cross-examined P.W.1 and P.W.2 is not whisper in the 'B' diary. The revision petitioner being the bonafide purchaser filed a petition to recall the plaintiff's side witnesses for cross-examination. Since the revision petitioner is the subsequent purchase, one more opportunity should be given to him to cross-examine the plaintiff's side witnesses. Hence, the learned Additional Sub Judge, Pudukkottai is directed to give one more opportunity to the revision petitioner to recall and cross-examine P.W.1 and P.W.2, as per law.

5.In the result, this Civil Revision Petition is allowed and the order passed in I.A.No.16 of 2022 in O.S.No.96 of 2012, dated 17.02.2022 by the learned Additional District Judge, Pudukkottai is set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

The Additional Subordinate Judge,
Pudukkottai.

+1 CC to M/s.K.C. MANIYARASU, Advocate (SR-16929[F] dated 06/04/2022)

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06.04.2022

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