



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No.947 of 2022 and
CMP(MD).No.3750 of 2022

A.Lakshmanan .. Petitioner / Petitioner/ Defendant

Vs.

Kuroos Anthony .. Respondent / Respondent/ Plaintiff

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India as against the fair and decreetal order, dated 06.01.2022 passed in I.A.No.1 of 2021 in O.S.No.112 of 2016 on the file of the Additional District Munsif Court, Thoothukudi.

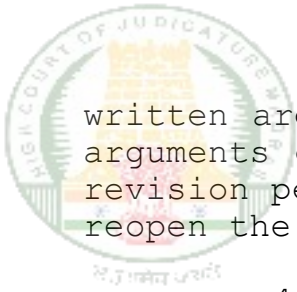
For Petitioner : Mr. L.Prabhu

ORDER

The revision petitioner / defendant has filed this revision to set aside the order, dated 06.01.2022 passed in I.A.No.1 of 2021 in O.S.No.112 of 2016 on the file of the Additional District Munsif Court, Thoothukudi, which was filed by the revision petitioner to reopen the case for further evidence of defendant.

2. Heard the learned counsel appearing for the petitioner. Since no adverse order passed against the respondent, no notice is necessary to the respondent.

3. On perusal of the records it is seen that DW.1 was examined on 07.10.2017, but, he was not appeared for cross examination till 10.01.2018. Again, DW.2 was examined on 13.03.2018, but, he was not appeared for cross examination. Hence, the evidence was closed on 13.03.2018. The plaintiff side argument was also heard on 06.09.2018. Thereafter, the revision petitioner / defendant has filed an application in I.A.No.429 of 2018 to reopen the case and the same was allowed on 05.02.2021. Again on 24.02.2021, the revision petitioner / defendant has filed a petition to issue summon to recall the witnesses, who have already been examined and the same was rejected. Thereafter, issuing summon on 23.08.2021, DW3 was examined on 23.09.2021 and the documents have also been marked and the defendant side evidence was also closed. Again, the plaintiff side argument was heard and the



written argument has also been filed and posted for defendants side arguments on 07.10.2021 and 21.10.2021. In such circumstances, the revision petitioner / defendant has filed the present application to reopen the case for further evidence of defendant.

4. Since the defendant is dragging on the proceedings from 2017 to 2021 by way of filing petition after petition, the trial Court has rightly dismissed the said Interlocutory Application. Hence, this Court has not find any valid reason to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 06.01.2022 passed in I.A.No.1 of 2021 in O.S.No.112 of 2016 on the file of the Additional District Munsif Court, Thoothukudi. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Additional District Munsif Court, Thoothukudi.

COPY TO:

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.L.PRABHU, Advocate (SR-22926[F] dated 29/04/2022)

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_RD(12.05.2022) 2P 5C