



CRP (MD) No.1752 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP (MD) No.1752 of 2022

and

CMP (MD) No.7706 of 2022

Rajarathinam

... Petitioner

Vs

Indira

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order passed in IASR.No.1687 of 2021 in OS.No.117 of 2018 on the file of the Additional District and Sessions Court, Kumbakonam dated 14.12.2021 by allowing this civil revision petition.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.P.Thiyagarajan



CRP (MD) No.1752 of 2022

ORDER

WEB COPY This civil revision petition is filed as against the order dated 14.12.2021 passed in IASR.No.1687 of 2021 in OS.No.117 of 2018 by the learned Additional District and Sessions, Kumbakonam.

2.The petitioner is the defendant in OS.No.117 of 2018. The petitioner has filed an application in IASR.No.1687 of 2021 under Section 151 CPC to reopen the suit for the purpose of adducing evidence on the defendant's side. The trial Court dismissed the application without numbering the same that the defendant's evidence was closed by a detailed order dated 30.11.2021 and therefore, the application is not maintainable.

3.Heard the learned Counsel on either side and perused the materials placed on record.

4.The suit was filed for recovery of balance sale consideration of Rs.52,83,360/-. The trial has commenced



CRP (MD) No.1752 of 2022

during July' 2019 and the case was posted for defendant's side evidence on 09.03.2020. Time was granted upto 30.11.2021. However, the defendant failed to produce the witness before the Court and therefore, the defendant's side evidence was closed by order dated 30.11.2021, which is not challenged by the petitioner. This Court does not find any error in the order. However considering the issue involved and it was Covid-19 pandemic period between 09.03.2020 and 30.11.2021, this Court is inclined to allow this civil revision petition by providing one more opportunity to the petitioner.

5.The petitioner shall be present before the Court on 22.02.2023 and shall subject himself for chief examination on the same day. The learned Counsel for the respondent has also agreed to cross examine him on the same day. The trial Court shall provide one opportunity to the petitioner to adduce his evidence and since the suit is of the year 2018, the trial Court shall conclude the suit as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order.



CRP (MD) No.1752 of 2022

6.The civil revision petition is allowed with the above directions. No costs. Consequently connected miscellaneous petition stands closed.

14.12.2022

dsk

To

The Additional District
and Sessions Judge,
Kumbakonam.



WEB COPY



CRP (MD) No.1752 of 2022

B. PUGALENDHI, J.

dsk

CRP (MD) No.1752 of 2022

14.12.2022