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CRP(MD)No.2128 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

CRP (MD) No.2128 of 2022

and

CMP (MD) No.9812 of 2022

A.A.Salam : Petitioner

Vs.

1.Pavunammal

2.Ramachandran : Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the fair and decreetal order dated 29.03.2022 made in I.A.No.115 of 2022 in O.S.No.432 of 2016 on the file of the Additional Sub Court, Pudukkottai and to set aside the same.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.M.Karthikeya

Venkitachalapathy

ORDER

The petitioner, who is the first defendant in O.S.No. 432 of 2016 on the file of the Additional Sub Court,



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Pudukkottai, has filed an interlocutory application in I.A.No.115 of 2022 to re-open the evidence of D.W.1 for the purpose of marking the Judgment and Decree passed in O.S.No.105 of 2013. The said interlocutory application was initially allowed by the trial Court on 19.03.2022, directing the petitioner/first defendant to adduce his evidence on 22.03.2022. Since the petitioner failed to appear before the trial Court on 22.03.2022, the trial Court dismissed the said application on 29.03.2022 and posted the matter for arguments. Aggrieved over the same, the present Civil Revision Petition has been filed.

2. The learned counsel appearing for the petitioner submits that the petitioner is working at Kerala and since there was a delay in communicating the date of hearing to the petitioner, he could not appear before the trial Court on 22.03.2022. He undertakes that the petitioner will appear before the trial Court on any date on which the trial Court directs him to appear before the Court and he is also ready to pay Rs.5,000/- more than the amount imposed by the trial Court while allowing the interlocutory application in I.A.No.115 of 2022.



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3. Heard the learned Counsel appearing for the respondents as well.

4. Considering the fact that the petitioner is working at Kerala and also considering the fact that within four days from the date of allowing the interlocutory application in I.A.No.115 of 2022, the petitioner was directed to appear before the trial Court, this Court is inclined to give one more opportunity to the petitioner by allowing this Civil Revision Petition, however with a cost of Rs.15,000/-.

5. Accordingly, this civil revision petition is allowed and the order impugned dated 29.03.2022 is quashed, on condition that the petitioner shall pay a sum of Rs.15,000/- [Rupees Fifteen Thousand only] directly to the respondents, on or before 21.11.2022. On production of the proof of payment, the trial Court shall reopen the case and shall permit the petitioner to mark the documents and shall proceed with the matter in accordance with law.



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There shall be no order as to costs. Consequently,
connected miscellaneous petition stands closed.

Index : Yes / No
Internet : Yes
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To

The Additional Subordinate Judge,
Pudukkottai.

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