



CRP (MD) Nos.2159 and
2160 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.11.2022

CORAM:

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

CRP (MD) Nos.2159 and 2160 of 2022
and
CMP (MD) No.10015 and 10016 of 2022

Arasi ... Petitioner

Vs

A.Abdul Khader ... Respondents
in both CRPs

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order 05.09.2022 made in IA.Nos.2 and 3 of 202 in RLTOP No.59 of 2020 on the file of the I Additional District Munsif Court, Tiruchirappalli and allow the above civil revision petitions.

For Petitioner : Mr.R.Venkatesan

ORDER

These civil revision petitions are filed as against the fair and decreetal order passed by the learned I Additional District Munsif, Tiruchirappalli dated 05.09.2022 in IA.Nos.2 and 3 of 2022 in RLTOP.No.59 of 2020.



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2. The RLTOP was filed by the respondent/ landlord for eviction as against the petitioner on the ground of owners occupation. The respondent / landlord PW1 was examined and documents Ex.P1 to Ex.P8 were marked. Thereafter the respondent/ landlord was also cross examined by the petitioner on 29.07.2022. The case was posted for further evidence of the respondent / landlord on 03.08.2022, 05.08.2022 and 11.08.2022. The evidence of the respondent/ landlord was closed on 11.08.2022. For the petitioner's side evidence the case was posted on 16.08.2022, 22.08.2022 and 25.08.2022. At this stage, the petitioner / tenant has filed the present applications to reopen and recall PW1 for further cross examination in connection with some important facts. The trial Court has rejected the applications. Challenging the same, the present civil revision petitions are filed.

3. The learned Counsel for the petitioner submits that an opportunity must be provided to the petitioner to cross examine PW1 on certain facts, which were omitted to be asked during his cross examination



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on 22.08.2022. The judgment relied on the trial Court is also not relevant to the issue. Further Order 18 Rule 17 enables the Courts to recall the witness at any stage.

4.This Court considered the submission of the petitioner and perused the materials placed on record.

5.The respondent / landlord was examined in the month of July 2022 and the petitioner has also cross examined him on 29.07.2022. Thereafter the case was adjourned nearly for six times and the respondent side evidence was closed. At that time the petitioner has filed the present interlocutory applications to reopen and recall PW1 for the purpose of re-examining him. The petitioner has not assigned reason and has not stated what are the material facts, which are to be elucidated through PW1. In the absence of any such material this Court is not inclined to interfere with the orders of the trial Court.



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6.The civil revision petitions are dismissed.
No costs. Consequently connected miscellaneous petition
are also dismissed.

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To

I Additional District Munsif,
Tiruchirappalli.



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