



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2023

CORAM

THE HON'BLE MRS JUSTICE T.V.THAMILSELVI

C.R.P.Nos.537 and 647 of 2023

and

C.M.P.Nos.21064 and 21065 of 2023

In both CRPs

1.Sivaraman

2.Sivashanmugam

...Petitioners

Vs.

1.Gilles Mariadassou

2.Sivalingam

...Respondents

Prayer in C.R.P.No.537 of 2023:Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order made in I.A.No.19 of 2023 in O.S.No.2252 of 2014 dated 03.02.2023 on the file of the Ist Additional District Munisf, Puducherry.

Prayer in C.R.P.No.647 of 2023:Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order made in I.A.No.20 of 2023 in O.S.No.2252 of 2014 dated 03.02.2023 on the file of the Ist Additional District Munisf, Puducherry.

For Petitioners : T.Shanmugam

For Respondents : Mr.D.Ravichander for R1.
: Door Locked for R2.



WEB COPY

COMMON ORDER

These Civil Revision Petitions are filed to set aside the order made in I.A.Nos.19 and 20 of 2023 in O.S.No.2252 of 2014 dated 03.02.2023 on the file of the Ist Additional District Munisf, Puducherry.

2.Learned Counsel for the Civil Revision Petitioner challenging the impugned order in which the defendant preferred the revision before the Trial Court, the respondent/plaintiff filed a suit for recovery of possession in the year 2014. The Civil Revision Petitioner as well as the respondents contested the case, now the case is pending before the lower court for further arguments. The defendant filed an application in I.A.Nos.19 and 20 of 2023 in O.S.No.2252 of 2014 dated 03.02.2023 to recall the DW2 and to mark some documents. Where the application was wrongly objected by the plaintiffs stating that at the stage of the proceedings the defendants filed the wrong submissions and considering both sides the Trial Judge held that already he filed the same set of applications. Further more nearly 2.5 years were taken for cross-examination of DW1, on seeing the conduct of the Petitioner, the petition was dismissed and dragged down the proceedings.



3.The Learned Counsel for the Plaintiff submits that on his side he want to mark certain documents as mentioned in the petition which is vital point to prove his defence but the Trial Judge failed to give an opportunity to prove him.

4.By a reply, learned Counsel for the Plaintiff/Respondent submits that the Trial begun in the year 2018 and from then the case was dragged to the court without giving any progress and after great efforts the gates were closed but again the defendant filed an application to re-open the case which was denied by the court as such is permissible. Hence considering both side submissions and perusing all the available materials on record. It clearly reveals that the defendant filed an application to re-open and to recall and in order to mark certain documents, pertaining to his bank passbook mentioned in the affidavit in order to prove his peaceful possession.

5.When the matter was taken up, learned Counsel appearing for the Respondent also submits that he should not file any further application. On seeing the conduct of the Revision Petitioner, this Court directs the Revision Petitioner to co-operate with the Trial Court without filing any



further applications.

6. Admittedly, the Plaintiff filed his suit for recovery of possession and now the defendant relied on certain facts which was in his own custody but no proper reason was assigned but however he approached the court for defence to get one more opportunity, this Court is inclined to allow this application and to set aside the findings of the Court. However on considering the conduct of the Revision Petitioner/D12 and D3, this Court is inclined to give direction to them to appear before the Trial Judge, the Trial Judge is directed to dispose the case within a period of eight (8) weeks from the date of receipt of copy of this order.

7. These Civil Revision Petitions stand disposed with the above discussions and directions. No costs. Connected Miscellaneous Petitions are also closed.

21.11.2023

Index : Yes/No
Neutral Citation Case : Yes/No
Speaking : Yes/No

nst

To:

The Ist Additional District Munisf Judge,
Puducherry



Note:-Registry is directed to upload order copy on 28.11.2023.

T.V.THAMILSELVI .J.,

nst

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