



CRP.Nos.907 & 909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP.Nos.907 & 909 of 2023

CRP.No.907 of 2023

1.Rathinam
2.Rajkumar @ Kumar
3.Meenakshi
4.Saraswathi

... Petitioners

Vs.

Ramu

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India to set aside the order dated 24.11.2022 against IA.No.6 of 2022 in OS.No.266 of 2018 on the file of I Additional District Munsif Court, Salem to entertain the petition filed by the petitioner under Section 163 an 165 of Civil Rules of Practice.

For Petitioners : Mr.S.Mohamed Abbas

CRP.No.909 of 2023

1.Rathinam
2.Rajkumar @ Kumar
3.Meenakshi
4.Saraswathi

... Petitioners

Vs.

Ramu

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution



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of India to set aside the order dated 24.11.2022 against IA.No.5 of 2022 in OS.No.266 of 2018 on the file of I Additional District Munsif Court, Salem to entertain the petition filed by the petitioner under Section 163 an 165 of Civil Rules of Practice.

For Petitioners : Mr.S.Mohamed Abbas

COMMON ORDER

Challenging the orders dated 24.11.2022 passed in IA.Nos.5 & 6 of 2022 in OS.No.266 of 2018 on the file of I Additional District Munsif Court, Salem to reopen and recall DW1 to put a vital question, the present civil revision petitions are preferred.

2. The said application was strongly objected by the defendant as to drag the proceedings and the said application filed after his cross examination. Considering both sides submission, the trial Judge dismissed the same as now the case is posted for arguments.

3. The learned Counsel for the revision petitioners submits that though the case is posted for arguments, if at all opportunity not given to them to put a vital question to DW1, their valuable right will be defeated.

4. Considering the submissions made by the plaintiffs that if at all



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opportunity not given to the plaintiffs to cross examine DW1, their right to defend the case will be defeated, the orders dated 24.11.2022 passed by the trial Judge in IA.Nos.5 & 6 of 2022 are set aside. The trial court is directed to give opportunity to the plaintiffs to cross examine DW1 and dispose of the case within a period of four weeks from the date of receipt of this order.

5. With the above direction, both the civil revision petitions are disposed of. There shall be no order as to costs.

31.03.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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T.V.THAMILSELVI, J.



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To
The I Additional District Munsif Court,
Salem

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