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CRP No.1059 of 2023
and CMP.No.7605 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2023

CORAM

THE HONOURABLE Dr.JUSTICE **D.NAGARJUN**

CRP No.1059 of 2023

and

CMP.No.7605 of 2023

Ramasamy

... Petitioner

-Vs-

1. Sivabakiyavathi
2. Suresh Kumar
3. Dhanalakshmi

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 14.02.2023 passed in IA.No.3 of 2022 in OS.No.1 of 2011 on the file of the I Additional District Judge, Namakkal.

For Petitioner : Mr.R.Ezhilarasan



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ORDER

It is submitted by the learned counsel for the revision petitioner that on account of dismissal of I.A.No.3 of 2022, he could not cross examine the other witnesses and thereby, his right of cross-examination of PW-1 and other witnesses is lost. The petitioner has filed I.A.No.3 of 2022 for scrapping the proof affidavit of PW-1 recorded as chief examination in O.S.No.1 of 2011, prior to the cross-examination of PW1. Since the said petition was dismissed, the petitioner moved this Revision Petition aggrieved by the same.

2. During the course of hearing, the learned counsel for the revision petitioner requested the Court permission to withdraw this Civil Revision Petition. Therefore, the petitioner is at liberty to move an application before the Trial Court for reopening of the evidence of PW-1 for the purpose of cross examination. On such application, the Trial Court is directed to consider the same on merits and pass orders in accordance with law.



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3. In view of the endorsements made by the learned counsel for the Revision Petitioner, this Civil Revision Petition is dismissed as withdrawn. There shall be no order as to costs. Consequently, connected CMP is also closed.

18.04.2023

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To

1. The I Additional District Court,
Namakkal.



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Dr.D.NAGARJUN, J.

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