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C.R.P.No.1514 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

**C.R.P.No.1514 of 2023
and
C.M.P.No.9981 of 2023**

B.Venkatarathinam

... Petitioner

Vs.

M.Pramila Jain

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 06.04.2023 passed in I.A.No.4 of 2023 in O.S.No.3436 of 2019 on the file of the VIII Assistant City Civil Judge, Chennai.

For Petitioner : Ms.C.Jayachithra

For Respondent : Mr.K.Bakthavachalu

ORDER

This Civil Revision Petition is filed for setting aside the order passed by the VIII Assistant City Civil Judge, Chennai dated 06.04.2023 in I.A.No.4 of 2023 in O.S.No.3436 of 2019, wherein the application filed by



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the petitioner under Section 10 of C.P.C. has been declined on various grounds.

2. During the course of submission, it was brought to the notice that the Trial has already been concluded and the matter is posted for arguments. However, the learned counsel for the petitioner submits that since Section 10 petition was pending, she could not cross examine the witnesses produced by the respondent / plaintiff and also could not produce the evidence on her side. It is also seen that the petition filed by the petitioner herein before the Trial Court was dismissed by imposing a cost of Rs.5,000/-.

3. Since the Trial is stated to have been completed, the petition filed under Section 10 becomes infructuous. The petitioner is expected to go to the Trial Court and contest the Suit.

4. Considering the circumstances, while dismissing this petition, the orders so far as imposing cost of Rs.5,000/- by the Trial Court in I.A.No.4 of 2023 in O.S.No.3436 of 2019 are hereby set aside. The petitioner is hereby permitted to file an application for re-opening of the evidence of the



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plaintiff and also defendant and on such filing of application, the Trial Court is required to send notice to all the parties concerned and decide the same on merits as per law as expeditiously as possible.

5. With the aforementioned directions, this Civil Revision Petition is disposed of. No Costs. Consequently, the connected Miscellaneous Petition is closed.

02.06.2023

Index :Yes/No
Internet:Yes/No
Neutral Citation Case: Yes/No
ab

To

1. The VIII Assistant City Civil Judge, Chennai.
2. The Section Officer,
V.R.Section, High Court of Madras.



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Dr.D.NAGARJUN, J.

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