



WEB COPY



C.R.P.Nos.1878 & 1879 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.Nos.1878 & 1879 of 2019
and C.M.P.No.12349 of 2019

1. Vedhanajagi @ Kalavathi
2. Viswanathan

... Petitioners in both
C.R.Ps

Vs.

1. Sasikala
2. D.Nandhini @ Iyswarya

... Respondents in both
C.R.Ps

Common Prayer :- Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 07.03.2019 passed in I.A.Nos.1059 & 1060 of 2018 in O.S.No.54 of 2011, on the file of the learned Subordinate Judge, Tiruchengode.

For Petitioner
in both CRPs : Mr.V.Raghavachari

For Respondents
in both CRPs : No appearance



C.R.P.Nos.1878 & 1879 of 2019

COMMON ORDER

WEB COPY

These Civil Revision Petitions have been filed as against the fair and decretal order dated 07.03.2019 passed by the learned Subordinate Judge, Tiruchengode, in I.A.Nos.1059 & 1060 of 2018 in O.S.No.54 of 2011, thereby dismissing the petitions filed by the petitioners to re-open and re-call the P.W.1.

2. The petitioners are the defendants 3 & 4 in the suit filed by the respondents herein for permanent injunction and also mandatory injunction directing the second defendant to hand over the suit property. P.W.1 was examined in full. Thereafter, when the suit was posted for defence side evidence, the petitioner filed petitions in I.A.Nos.1059 & 1060 of 2018 to reopen and recall P.W.1 that too after the period of four years for the purpose of cross-examination of P.W.1.

3. Heard Mr.V.Raghavachari, learned counsel appearing for the petitioners. Though notice served, no one is appeared on behalf of the respondents either in person nor through pleader.



C.R.P.Nos.1878 & 1879 of 2019

4. On a perusal of records revealed that P.W.1 was examined in full on 19.11.2012 itself and after more than four years, the present petition has been filed to reopen and recall P.W.1., that too without any proper reason. It is not possible for further cross-examination and it would amount to fill up the lacuna. Therefore, the trial Court rightly dismissed the petitions and this Court finds no infirmity or illegality in the orders passed by the Court below.

5. Accordingly, both the Civil Revision Petitions are dismissed. The trial Court viz., the learned Subordinate Judge, Tiruchengode, is directed to complete the trial in O.S.No.54 of 2011 and dispose the suit within the period of six months from the date of receipt of a copy of this Order, if not already disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

05.01.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

G.K.ILANTHIRAIYAN, J.

Page 3 of 4



WEB COPY



C.R.P.Nos.1878 & 1879 of 2019

rts

To

1. The Subordinate Judge,
Tiruchengode.

C.R.P.Nos.1878 & 1879 of 2019
and C.M.P.No.12349 of 2019

05.01.2023