



C.R.P.No.2291 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM : JUSTICE N.SESHASAYEE

C.R.P.No.2291 of 2019
and CMP.No.14949 of 2019

Balu

.. Petitioner / Respondent / Defendant

Vs

1.Adikesavulu
2.Saroja
3.Sampath
4.Suresh
5.Ravi
6.Prakash
7.Raniammal
8.Dhanasekaran
9.Harikrishnan
10.Manavalan
11.Dhayaram
12.Leelaram
13.Prema
14.Vasudevan
15.Valarmathy
16.Prema Leela
17.Janani
18.Vinoth
19.Gandhimathy

20.Minor Narasiman

Rep by Natural Guardian and mother Gandhimathy



C.R.P.No.2291 of 2019

21. Sheela

22. Minor Rajesh

Rep. by Natural Guardian and mother Sheela

23. Minor Jothi prakash

Rep. by Natural Guardian and mother Sheela

... Respondents / Petitioners / Plaintiffs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair order and decretal order dated 12.11.2018 passed in I.A.No.198/2018 in O.S.No.283 of 2008 on the file of Principal Subordinate Court, Chengalpattu, and allow the above CRP.

For Petitioner : Mr.Ramesh.R.

For Respondents : Mr.P.Satheesh Kumar
for RR1, 2, 4, 7 to 13, 15 to 23
R3, R5 & R14 - Died - Steps due

ORDER

This revision is preferred by the defendant in O.S.No.283 of 2008 on the file of Principal Subordinate Court, Chengalpattu, challenging the order of the trial Court in allowing the application in I.A.No.198/2018 filed by the first plaintiff, to examine himself as P.W.1 and to recall himself.



C.R.P.No.2291 of 2019

2. Heard both sides. The learned counsel for the revision petitioner submitted that P.W.1 has recalled himself only to fill up certain lacunae in his evidence and hence objects to his recall.

3. This Court is informed that the trial has just begun and the case itself was posted for further evidence of plaintiffs.

4. Now turning to the order in question, the Code of Civil Procedure is not a rule book to discipline the litigants, but it is a rule book of fairness and also a rule book that enables the Court to take the proceedings to the next stage of litigation. And, it grants the Court with requisite discretion in exercising its power for recalling the witnesses.

5. This Court in exercise of its power of superintendence under Article 227, cannot pull the string from behind the trial Court, vis-a-vis, the every order that it passes. Given the stage of litigation, this Court does not consider that the order of the trial Court is either perverse or obnoxious in procedure and hence, does not consider it necessary to interfere with the same.



C.R.P.No.2291 of 2019

WEB COPY

6. In conclusion, this revision petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

31.03.2023

Index : Yes / No

Speaking Order / Non-speaking Order
ds

To:

- 1.The Sub Judge
Principal Subordinate Court
Chengalpattu.
- 2.The Section Officer
VR Section, High Court, Madras.



WEB COPY



C.R.P.No.2291 of 2019

N.SESHASAYEE.J.,

ds

C.R.P.No.2291 of 2019

31.03.2023