



WEB COPY



C.R.P.Nos.2453 & 2454 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM

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

C.R.P.Nos. 2453 & 2454 of 2019

and

C.M.P.No.16032 of 2019

R.G.Sampath

.... Petitioner in both CRPs

Vs

Sundaramoorthy

.... Respondent in both CRPs

Common Prayer:- Civil Revision Petitions are filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 27.03.2019 passed in I.A.Nos.414 & 415 of 2017 in O.S.No.28 of 2013 on the file of the Subordinate Judge, Gudiyattam, Vellore District.

For Petitioner in both CRPs : Mr.Ravindran K.A

For Respondent in both CRPs : No appearance

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the fair and decreetal order dated 27.03.2019 passed in I.A.Nos.414 & 415 of 2017 in O.S.No.28 of 2013 on the file of the Subordinate Judge, Gudiyattam, Vellore District, thereby dismissing the petitions seeking



to re-open the evidence and to produce further evidence.

WEB COPY

2. Though notice has been served on the respondent and his name also printed in the cause list, there is no representation for the respondent either in person or through counsel.

3. The petitioner is the defendant in the suit filed by the respondent for recovery of money. After closing the defendant side evidence, the petitioner filed a petition to re-open the evidence on the ground that when the suit was posted for further defendant side witness, his counsel was not feeling well and as such, he could not examine other witnesses in order to disprove the case of the respondent. However, the Trial Court closed the evidence and posted the suit for arguments.

4. A perusal of the records reveals that the case of the petitioner is that he borrowed a sum of Rs.1,00,000/- from Aadhisakthi Finance, in which the respondent is one of the Managing Director at the time of borrowal of the amount. For security purpose, the petitioner issued three blank cheques and 3 blank pronotes. Now the respondent filed a suit in his personal capacity on the strength of the cheque issued



C.R.P.Nos.2453 & 2454 of 2019

by the petitioner for security purpose. Therefore, he intended to examine further witness.

5. In view of the above, this Court is inclined to give one more opportunity to the petitioner to examine further witnesses on his behalf in order to disprove the case of the respondent.

6. Accordingly, the order dated 27.03.2019 passed in I.A.Nos.414 & 415 of 2017 in O.S.No.28 of 2013 on the file of the Subordinate Judge, Gudiyattam, Vellore District, are hereby set aside. The petitioner shall examine his further witnesses within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the Trial Court is directed to dispose of the suit within a period of eight weeks. Consequently, connected miscellaneous petition is closed. No costs.

28.02.2023

Index:Yes/No
Internet:Yes/No
Lpp
To
The Subordinate Judge,
Gudiyatham,
Vellore District.



WEB COPY



C.R.P.Nos.2453 & 2454 of 2019

G.K.ILANTHIRAIYAN, J.

Lpp

C.R.P.No. 2453 & 2454 of 2019
and
C.M.P.No.16032 of 2019

28.02.2023