



CRP.(NPD) Nos.3214 & 3215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP(NPD) Nos.3214 & 3215 of 2023
& CMP Nos.19805 & 19815 of 2023

The Bishop of Chengalpet,
Diocese of Chengalpet,
(Formerly Arch-Bishop of Madras-Mylapore)
Rep. by its Property Administrator, for the time being,
Rev. Fr.S.Augustine Devadoss,
Having Office at Bishop's House,
Thimmavaram,
Kancheepuram District – 603 101
...Petitioner/Plaintiff in both C.R.Ps.

Vs.

1. Combined Engineering Industries and Agencies Pvt. Ltd.,
Represented by its Managing Director,
Having Office at No.198, St. Mary's Road,
Abhiramapuram, Chennai – 18.
2. Banumathy Sundara Raman
...Respondents/Defendants in both C.R.Ps.

COMMON PRAYER : Civil Revision Petitions filed under Section 115 of Code of Civil Procedure, against the order passed in Interlocutory



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applications in I.A.No.3 of 2023 in I.A.No.1152 of 2019 in I.A.No.614 of 2019 & I.A.No.4 of 2023 in I.A.No.1153 of 2019 in I.A.No.615 of 2019 both in O.S.No.58 of 2007 dated 18.07.2023 on the file of the Additional District Munsif Court at Alandur.

For Petitioner

in both C.R.Ps. : Mr.C.Dilipkumar

For Respondents

in both C.R.Ps. : No appearance

COMMON ORDER

Challenging the orders dated 18.07.2023 passed in I.A.Nos.3 & 4 of 2023 in I.A.Nos.1152 & 1153 of 2019 in I.A.Nos.614 & 615 of 2019 in O.S.No.58 of 2007 by the learned Additional District Munsif Court at Alandur, these civil revision petitions have been filed.

2. Originally before the Trial Court, the petitioner filed a suit in O.S.No.58 of 2007 against the respondents/defendants, for recovery of vacant possession and for payment of a sum of Rs.15,000/- per month for use and occupation of the suit schedule property from the date of plaint till the date of delivery of vacant possession. After closing of cross examination of DW1, the petitioner/plaintiff filed application in I.A.Nos.614 & 615 of



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2019 to reopen and recall DW1 for further cross examination. Subsequently, the said applications in I.A.Nos.614 & 615 of 2019 were dismissed for default on 20.08.2019. To set aside the said orders of dismissal dated 20.08.2019, the petitioner filed applications in I.A.Nos.1152 & 1153 of 2019. The said applications also came to be dismissed for non payment of costs within the stipulated time. To restore the said applications, the petitioner filed another set of applications in I.A.Nos.3 & 4 of 2013 to condone the delay of 104 days in filing the restoration applications. The said applications also came to be dismissed on 18.07.2023, against which the present civil revision petitions.

3. Learned counsel for the petitioner submits that the defendants' counsel refused to receive the cost of Rs.2,000/- and due to lack of communication from the erstwhile counsel as he was expired, the petitioner has not filed the interlocutory applications in time.

4. Heard Mr.G.Dilip Kumar, learned counsel for the petitioner. Despite service of notice on the respondents, there is no representation on the side of the respondents.

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5. A perusal of the records reveals that the suit has been filed in the year 2007. Admittedly, the trial was commenced, issues were framed and the written statement has also been filed by the defendants/respondents. After closure of cross examination of DW1, the petitioner filed applications to recall and reopen the cross examination of DW1.

6. On considering the facts and circumstances, if opportunity is not given to the petitioner/plaintiff to substantiate his case by cross examining DW1, it would be create great hardship and miscarriage of justice. Accordingly, both the Civil Revisions Petitions are disposed of by directing the petitioner to pay a sum of Rs.5,000/- to the respondents/defendants within a period of one week from the date of receipt of a copy of this Order. On such payment, the Trial Judge shall permit the petitioner/plaintiff to cross examine the DW1 and proceed with the case and complete the trial within a period of three months from the date of receipt of memo for such payment. No costs. Consequently, connected miscellaneous petitions are closed.



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Index: Yes/No
Speaking order/Non speaking order
Neutral Citation :Yes/No

To
The Additional District Munsif Court at Alandur.



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T.V.THAMILSELVI,J.

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