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*C.R.P.(PD)Nos.3269 & 3271 of 2019*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

C.R.P.(PD)Nos.3269 & 3271 of 2019  
and CMP.Nos.13972, 13974, 13977, 14014, 14006, 14018 of 2023  
and CMP.No.21249 of 2019

Pappayal (Died)

1.Marappa Gounder

2.Loganathan

... Petitioners in both CRPs

Vs.

1.Eeswari

Ramasamy (Died)

2.Nallasamy

3.Salem Tollways Limited,

Having its registered office at 23/3RT,

Vijaya Nagar Colony, Hyderabad,

Andhrapradesh 500057,

Rep. by its Deputy General Manager

M.Srinivasa Reddy S/o Mallikaraju Reddy

4.Elango

5.Rajathi

6.Shanthi

Deivasigamani (Died)

7.Nallasivam

8.Annapoorani

9.V.Parimaladevi



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10. Shanmugam

11. S. Banupriya

12. Nallammal

13. Selvi

14. Kalaivani

15. Saravanakumar

... Respondents in both CRPs

(Respondents 3 to 15 not appeared and set exparte, hence notice to

Respondents 3 to 15 may dispensed with)

**COMMON PRAYER:** Civil Revision Petitions filed under Article 227 of the Constitution of India, against the Fair and Decretal orders dated 22.08.2019 passed I.A.Nos.8 and 9 of 2019 in O.S.No.69 of 2009 on the file of Subordinate Court, Perundurai, Erode District is liable to be set aside.

(In both CRPs)

For Petitioners : Mr. Shankar  
for Mr. V. Regunathan

For Respondents : Mr. A. Sundaravadanam (for R1 & R2)  
R3 to R15 – Exparte  
(Notice Dispensed With)

### **COMMON ORDER**

These revisions arise against the order dismissing the applications filed to re-call and re-open the evidence of DW1.

2. When the matter was taken up today, Mr. Shankar, learned counsel appearing for Mr. V. Regunathan, learned counsel on record for the petitioners submitted that he has already taken steps to restore the suit



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which had been dismissed for default and notice had been ordered returnable by three weeks on 11.09.2023.

3.This fact is not disputed by Mr.A.Sundaravadanam, learned counsel for the respondents 1 and 2, but he would point out that the Civil Revision Petitions have become infructuous, in any event, because DW1, the person whom the petitioner wants to re-call and re-open the evidence is no more. A person who is dead cannot be re-called as it is beyond the power of the Court. Therefore, there is no question of keeping the revisions pending.

4.Recording the statement of Mr.A.Sundaravadanam, both the civil revision petitions are dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are also dismissed.

**15.09.2023**

Index:Yes/No  
Speaking Order :Yes/No  
Neutral Citation:Yes/No  
vs



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**V.LAKSHMINARAYANAN,J.**

VS

To

The Subordinate Court,  
Perundurai, Erode District.

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**15.09.2023**