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CRP.No.3831 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HONOURABLE MRS.JUSTICE **T.V.THAMILSELVI**

CRP.No.3831 of 2022

and

CMP.No.20151 of 2022 & 4262 of 2023

P.Selvakumar

... Petitioner

Vs.

P.Palanisamy

... Respondent

PRAYER:

Civil Revision petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 09.09.2022 passed in IA.No.3 of 2022 in OS.No.187 of 2013 by the learned V Additional District Judge, Coimbatore and to consequently allow the said IA.No.3 of 2022 in OS.No.187 of 2013.

For Petitioner : Mr.C.P.Sivamohan

For Respondent : No appearance



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ORDER

This civil revision petition has been filed challenging the fair and decretal order dated 09.09.2022 passed in IA.No.3 of 2022 in OS.No.187 of 2013 by the learned V Additional District Judge, Coimbatore, thereby dismissed the petition to reopen plaintiff side witness.

2. Though notice served, none appeared on behalf of the respondent.

3. On earlier occasion, this Court granted interim order on condition that the petitioner shall make a deposit of Rs.5,000/- to the credit of OS.No.187 of 2013. Now the said conditional order has been complied with. On perusal of records, if not opportunity given to him to adduce witness, he will be put to much hardship. The application was filed belatedly, however the suit is filed for specific performance. As such the application filed by him is permissible and the findings of the trial Judge in IA.No.3 of 2022 is set aside and the said application is allowed as this Court finds that the reasons assigned by the petitioner for reopening the plaintiff side witness are justifiable.



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4. Accordingly, this civil revision petition is allowed and the plaintiff's side witness is reopened and the plaintiff is directed to cooperate for the trial proceedings without getting unnecessary adjournments. Consequently, connected miscellaneous petitions are closed. There shall be no order as costs.

03.04.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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T.V.THAMILSELVI, J.

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To
The V Additional District Judge, Coimbatore

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