



C.R.P.Nos.4823 & 4824 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

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

C.R.P.Nos.4823 & 4824 of 2023

and

C.M.P.No.28616 of 2023

Kamala

...

Petitioner in
both C.R.P.s

-Vs-

1. K.Periyasamy
2. V.Salomon
3. Mohanasundaram
4. K.Palanisamy

...

Respondents in
both C.R.P.s

Prayer in C.R.P.No. 4824 of 2023 : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the revision and set aside the order of II Additional Sub Court, Erode passed in I.A.No.11/2023 in O.S.No.91/2014 dated 29.09.2023.

Prayer in C.R.P.No. 4823 of 2023 : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the revision and set aside the order of II Additional Sub Court, Erode passed in I.A.No.10/2023 in O.S.No.91/2014 dated 29.08.2023.



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For Petitioner in
both C.R.P.s

: Ms.K.Indupriya

COMMON ORDER

Challenging the impugned orders passed in I.A.Nos.10 and 11 of 2023 in O.S.No. 91 of 2014 passed by the II Additional Sub Court, Erode respectively, the Revision Petitioner preferred these Civil Revision Petitions.

2. Since the relief sought challenging the order passed by the trial judge, notice to the respondent is dispensed with.

3. Before the trial court, the revision petitioner filed applications to reopen and recall of P.W.1 (husband of the petitioner herein). Both the applications were dismissed by the trial Judge holding that no specific reason was assigned by her and only to drag on the proceedings, she filed the said applications and already sufficient opportunity has been given. Aggrieved over the same, she preferred these Civil Revision Petitions.



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4. The learned counsel for revision petitioner would submit that specific performance suit was filed by the respondent/plaintiff for the false claim. To prove the defence, petitioner wanted to examine her husband. But, the trial judge without considering her submissions, erroneously dismissed the applications. Hence, she prayed to set aside the findings of trial judge.

5. Admittedly, now the case is pending for arguments. At this juncture, she filed application to reopen and the trial Judge has rightly dismissed the applications. However, to give one more opportunity, this Court is inclined to allow this petition.

6. Accordingly, these Civil Revision Petitions are allowed and the findings of trial judge in I.A.Nos.10 and 11 of 2023 in O.S.No. 91 of 2014 are set aside. Liberty is granted to the respondent/defendant to cross-examine P.W.1 to that effect. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

22.12.2023

Index : Yes/No

Speaking Order : Yes/No

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T.V.THAMILSELVI, J.

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To

II Additional Sub Court, Erode

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22.12.2023