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C.R.P.Nos.175 & 177 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 30.01.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**C.R.P.Nos.175 & 177 of 2023**

**and**

**C.M.P.Nos.1368 & 1374 of 2023**

Gilgal Gospel Mission  
Rep.by its President & Secretary,  
No.22, College Road,  
I.D.S Nagar, Kovilpathagai  
Chennai – 62.

... Petitioner in both C.R.Ps

Vs.

1.R.S.Gopalan

2.R.Krishnan

3.T.S.Vishnu Priya

Rep.by their Power Agent  
R.Sampath S/oRajagopalan  
No.3/1, Balakrishnan Naicken Street  
West Mamblam, Chennai – 600 033.

4.The Tahsildhar

Ambattur Taluk,  
Ambattur, Chennai – 53.

... Respondents in both C.R.Ps

**Prayer in C.R.P.No.175 of 2023:** Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated



08.12.2022 passed in I.A.No.1 of 2022 in A.S.No.41 of 2014 by Hon'ble Principal District Judge, Tiruvallur.

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**Prayer in C.R.P.No.177 of 2023:** Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 08.12.2022 passed in I.A.No.2 of 2022 in A.S.No.41 of 2014 by Hon'ble Principal District Judge, Tiruvallur.

|                |                                                                             |
|----------------|-----------------------------------------------------------------------------|
| For Petitioner | : Mr.R.Rajesh Kumar<br>(in both C.R.Ps)                                     |
| For R1 to R3   | : Mr.K.Bommuraj<br>(in both C.R.Ps)                                         |
| For R4         | : Mr.V.Jeevagiridharan<br>Additional Government Pleader<br>(in both C.R.Ps) |

### **COMMON ORDER**

The Civil Revision Petitions have been filed to set aside the orders dated 08.12.2022 passed in I.A.No.1 of 2022 & I.A.No.2 of 2022 in A.S.No.41 of 2014 by the Hon'ble Principal District Judge, Tiruvallur.

2. The revision petitioner is the appellant in Appeal Suit filed in A.S.No.41 of 2014.



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3. The revision petitioner filed Interlocutory Application in I.A.No.1 of 2022 in the appeal suit under Section 151 of C.P.C., to reopen the evidence of plaintiff's side in A.S.No.41 of 2014 in O.S.No.36 of 2006. The revision petitioner also filed another Interlocutory Application in I.A.No.2 of 2022 in the appeal suit under Order 18 Rule 17 of C.P.C., to recall PW1 and PW2 in O.S.No.36/2006 for further cross examination.

4. The First Appellate Court adjudicated the issues and found that the trial Court recorded the cross-examination of P.W.1 and P.W.2. by the appellant elaborately. The revision petitioner had not sought for to reopen the evidence and recall of P.W.1 and P.W.2 for further cross-examination before the trial Court and additional issues were framed. Additional issues are also related to the provisions of law and under those circumstances, the First Appellate Court found that Interlocutory Applications were filed only to fill up the lacunas, which becomes unnecessary. That apart, such Interlocutory Applications filed at the final stage need not be entertained unnecessarily. Many such Interlocutory Applications are filed for dragging on the proceedings on some occasions and therefore, the Court has to find out, whether such further examination of witnesses are required or not.



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5. In the present cases, the First Appellate Court found that the cross-examination was done elaborately in the original suit and additional issues were framed only relating to the provisions of law and thus, the Interlocutory Applications filed to reopen the plaintiff's side evidence and to recall P.W.1 and P.W.2 are unnecessary.

6. This Court do not find any infirmity in respect of the findings made by the First Appellate Court in the orders impugned. Accordingly, the orders dated 08.12.2022 passed by the Principal District Judge, Tiruvallur in I.A.No.1 of 2022 and I.A.No.2 of 2022 in A.S.No.41 of 2014 stand confirmed and consequently, Civil Revision Petitions in C.R.P.Nos.175 and 177 of 2023 are dismissed. No costs. Connected miscellaneous petitions are closed.

**30.01.2023**

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Index : Yes

Speaking order

Neutral Citation : Yes/No

To

The Principal District Judge,  
Tiruvallur.



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**S.M.SUBRAMANIAM, J.**

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**30.01.2023**