



CRP. No. 4946 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM:

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

CRP No. 4946 of 2023

1.Munirathinammal
2.Uma
3.Vignesh
4.Pradeep

...Petitioners

Vs.

1.Prema
2.Kalyani
3.Indira
4.Aircel Pvt. Ltd
Specer Plaza,
No. 769, 5th Floor,
Anna Salai,
Chennai - 600 002.

....Respondents

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 09.10.2023 in I.A No. 1 of 2023 in O.S No. 56 of 2012 on the file of the learned Additional District Munsif Court, Poonamallee.

For Petitioner : Mr.P.Krishnan



CRP. No. 4946 of 2023

ORDER

WEB COPY This petition has been filed to set aside the fair and decreetal order dated 09.10.2023 in I.A No. 1 of 2023 in O.S No. 56 of 2012 on the file of the learned Additional District Munsif Court, Poonamallee.

2. The petitioners herein filed I.A No. 1 of 2023 in O.S No. 56 of 2012 to reopen the suit on the side of plaintiff to enable the petitioners/defendants 1 to 4 to produce the legal notice dated 25.06.2017 and to cross examine the PW1. After considering the submissions on either side, the Court below dismissed the said application stating that change in the counsel cannot be a ground to further cross examine P.W.1. Challenging the same the petitioners filed this petition.

3. On seeing the fact of the case, the petitioners herein filed application to reopen the suit on the side of plaintiff to enable the petitioners/defendants 1 to 4 to produce the legal notice dated 25.06.2017 and to cross examine the PW1. Considering the fact of the case, if the sufficient opportunity is not given to the petitioners their valuable right to defend the case will be defeated. Hence, the order passed by the Trial court in I.A No. 1 of 2023 in O.S No. 56 of 2012 is set aside. Further, the Trial court is directed to dispose of the suit within a period of ten months from



CRP. No. 4946 of 2023

the date of receipt of a copy of this order.

WEB COPY

4. In the result, this Civil Revision Petition is allowed. No cost.

Consequently, connected miscellaneous petition is closed.

22.12.2023

pbl

To

The Additional District Munsif Court, Poonamallee.



WEB COPY



CRP. No. 4946 of 2023

T.V.THAMILSELVI,J.

Pb1

CRP No. 4946 of 2023

22.12.2023