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C.R.P.No.4850 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

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

C.R.P.No.4850 of 2023 &
C.M.P.No.28736 of 2023

S.Gunasekaran

... Petitioner

Vs.

Lakshmidevi (died)

1.Subramani

2.Amaravathi

3.Vatchala

4.Lakshmi

5.S.A.Rasheed

6.Manogaran

7.R.Palani

8.E.Nandhakumar

9.Purushothaman

10.Kasthuri

11.Asha

12.Anitha

13.Savithiri

14.Thirumala

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the Fair order and Decretal order of the Additional District Judge (FTC), Vellore, Vellore District passed in I.A.No.7 of 2023 in O.S.No.79 of 2012 dated 16.10.2023.

For Petitioner : Mr.A.Ilayaperumal



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ORDER

Challenging the impugned order dated 16.10.2023 passed in I.A.No.7 of 2023 in O.S.No.79 of 2012 by the learned Additional District Judge, Vellore, the fourth defendant in the suit filed the present civil revision petition.

2. I.A.No.7 of 2023 has been filed by the fourth defendant/the petitioner herein to recall the cross examination of PW1. The trial court observed that in view of closing the evidence of PW1, the petition without reopen, to recall is unsustainable and dismissed the same. Aggrieved that the petitioner filed the present revision.

3. Learned counsel for the petitioner submits that due to lack of communication, the petitioner was not able to cross examine the PW1.

4. Heard the submission of the learned counsel for the petitioner and perused the materials available on record.



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5. The suit was filed by the first respondent along with his wife Lakshmi Devi for partition and the same is pending from the year 2012. As such, if no opportunity is granted to the fourth defendant to cross examine the PW1, his valuable rights will be defeated. Hence, I.A.No.7 of 2023 is ordered to be allowed and the revision petitioner/fourth defendant is permitted to cross examine the PW1 within a period of two weeks from the date of receipt of a copy of this Order.

6. With the above direction, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

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Index : Yes/No
Speaking order/Non-speaking order
Neutral Citations : Yes/No



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To

1.The Additional District Judge (FTC), Vellore, Vellore District



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T.V.THAMILSELVI,J.

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