



C.R.P.(MD) No.1631 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM:

**THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

C.R.P.(MD) No.1631 of 2023

and

C.M.P(MD) No.8008 of 2023

T.Mohamed Husain

... Petitioner

Vs.

1.R.Sivaraman

2.S.Rajeshwari

... Respondents

Prayer :- Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 23.03.2023 made in I.A.No.147 of 2022 in O.S.No.97 of 2019 on the file of the Additional District and Sessions Court, Theni at Periyakulam.

For Petitioner : Mr.A.Arumugam
for M/s.Ajmal Associates

For Respondents : Mr.M.Senthil Kumar



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C.R.P.(MD) No.1631 of 2023

ORDER

The above civil revision petition is preferred as against the order dated 23.03.2023 made in I.A.No.147 of 2022 in O.S.No.97 of 2019 on the file of the Additional District and Sessions Court, Theni.

2. The revision petitioner/plaintiff filed the above suit in O.S.No. 97 of 2019 for recovery of money on the basis of promissory note. During the trial, the respondents/defendants 1 and 2 took out an application in I.A.No.147 of 2022 under Order 18 Rule 17 of CPC. After completion of plaintiff's side evidence, the above application was filed to recall the plaintiff's side witnesses for further cross-examination. In spite of objection made by the revision petitioner/plaintiff, the said application was allowed. Against which, the present revision is preferred.

3. At the time of arguments, the learned counsel for the revision petitioner would fairly concede that before the order passed in this revision, PW3 was cross-examined and therefore, the above revision



C.R.P.(MD) No.1631 of 2023

becomes infructuous. However, the learned counsel sought for liberty to further examine PW3, who was turned hostile.

4. The learned counsel for the respondents has no serious objection in this regard.

5. Heard on both sides and records perused.

6. Since the plaintiff's side witness was already recalled and cross examined, as rightly pointed by the learned counsel for the petitioner, the above civil revision petition becomes infructuous. However, liberty is given to the petitioner/plaintiff to recall the above witness P.W.3 for further examination by filing appropriate application before the trial Court. Accordingly, this Civil Revision Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

13.09.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No



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K.GOVINDARAJAN THILAKAVADI, J.

cp

To

The Additional District and Sessions Judge,
Theni at Periyakulam.

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