



C.R.P.(MD)No.1698 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.1698 of 2023

and

C.M.P.(MD)No.8459 of 2023

Selvi @ Kannammal

: Petitioner/Petitioner/
Defendant

Vs.

Samikkanni

: Respondent/Respondent/
Plaintiff

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order made in I.A.No.1 of 2023 in O.S.No.210 of 2022 on the file of the learned Sub Judge, Keeranoor, Pudukkottai District.

For Petitioner : Mr.G.Gomathi Sankar,
for Mr.A.Vadivel

For Respondent : Mr.K.P.Narayanakumar

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.1 of 2023 in O.S.No.210 of 2022 on the file of the learned Sub



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Judge, Keeranoor, Pudukkottai District, dismissing the petition to reopen the case.

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2. The learned counsel for the petitioner would submit that the respondent has filed the above suit for specific performance; that when the case was posted for defendant side evidence, since the defendant has suffered ill health, he could not proceed with the case and that the defendant side evidence was closed.

3. The learned counsel for the respondent would submit that the petitioner has remained ex-parte and despite sufficient opportunities, he has not utilized the same for adducing his side evidence and that is why, the evidence was closed and the case was posted for arguments.

4. Considering the facts and circumstances of the case and also the fact that the defendant has not adduced any evidence to prove their defence, this Court is of the view that the defendant should be given one more opportunity to take part in the proceedings and to defend the suit. Hence, the impugned order in I.A.No.1 of 2023 in O.S.No.210 of 2022, on



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the file of the learned Sub Judge, Keeranoor, Pudukkottai District, is set aside and the trial Court is directed to complete the trial within a period of six weeks from the date of receipt of copy of this order. The petitioner/defendant is directed to cooperate with the trial Court for completing the trial as directed by this Court.

5. With the above observation and direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

07.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

1. The Sub Judge, Keeranoor,
Pudukkottai District.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.1698 of 2023
and
C.M.P.(MD)No.8459 of 2023

Dated : 07.11.2023