



C.R.P.(MD).Nos.1287 and 1288 of 2014 (PD)

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(MD).(PD).Nos.1287 & 1288 of 2014
and M.P(MD).Nos. 1& 1 of 2014

1.Subramanian

2.Renuka

... Petitioners in both revisions

-VS-

1.Hamidha Bhanu

2.Malliha Bhanu

3.Vasantha

4.Kannadasan

5.Sundarakrishnan

6.Sait@Mydeen

7.Vahidha Banu

8.Ameena Bibi

... Respondents in both revisions

COMMON PRAYER: These Civil Revision Petitions have been filed under Article 227 of Constitution of India, to call for the records relating to the order and decreetal order dated 18.02.2014 in I.A.Nos.6 & 7 of 2014 in O.S.No.319 of 2007 on the file of the Subordinate Judge, Melur Camp, Madurai District and set aside the same and allow the revision petitions.



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For Petitioners : Mr.C.Mahadevan

For R1 & R2 : Mr.V.Chandrasekar

COMMON ORDER

The defendants 1 and 2 in a suit for partition are the petitioners. In the said suit, the plaintiffs's side evidence was closed on 29.01.2023 and the defendants' side was closed on 26.11.2013. Thereafter, the plaintiffs had filed I.A.Nos.6 and 7 of 2014 seeking to recall PW1 and DW1 for the purpose of questioning them relating to 'A' series and 'B' series documents.

2.The defendants had filed a counter strongly objecting to the said prayers on the ground that the plaintiffs are attempting to drag on the proceedings. However, the learned trial Judge was pleased to allow the said applications. Challenging the said orders, defendants 1 and 2 have filed the above revision petitions.

3.According to the defendants, the plaintiffs' side was closed in January 2013 and defendants' side was closed in November 2013 and the



C.R.P.(MD).Nos.1287 and 1288 of 2014 (PD)

suit was posted for arguments. Without assigning any reason whatsoever, the plaintiffs had filed the applications to recall PW1 and DW1. Hence, the said applications ought not to have been allowed by the trial Court.

4.Per contra, the learned counsel appearing for the respondents/plaintiffs had contended that the defendants' side was closed only on 26.11.2013 and even before the argument could be commenced on the side of the plaintiffs, these two applications came to be filed.

5.I have considered the submissions made on either side and perused the materials available on record.

6.Considering the fact that the applications to recall and reopen have been filed within a period of two months from the date of closure of evidence on the side of the defendants, this Court is of the considered opinion that the request of the plaintiffs for recalling PW1 and DW1 could be considered favourably provided the examination is completed within a time frame.



C.R.P.(MD).Nos.1287 and 1288 of 2014 (PD)

7. In view of the above said deliberations, the revision petitions stand dismissed. The plaintiffs are permitted to recall PW1 and DW1 for examination. The said exercise shall be completed within a period of 10 days from the date of receipt of a copy of this order. The trial Judge shall not entertain any further application for examination of any other witnesses. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2023.

Index : Yes/No

Internet : Yes/No

NCC : Yes/No

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To

1. The Subordinate Judge,
Melur Camp, Madurai District

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD).Nos.1287 and 1288 of 2014 (PD)

R.VIJAYAKUMAR, J

msa

Common order made in
C.R.P.(MD).(PD).Nos.1287 & 1288 of 2014
and M.P(MD).Nos. 1& 1 of 2014

13.07.2023