



C.R.P.(PD) (MD) No.2376 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

C.R.P.(PD) (MD) No.2376 of 2015

and

M.P.(MD) No.1 of 2015

1.G.Vairamuthu

2.D.Vijayalakshmi

3.D.Solagiri

... Petitioners

-VS-

1.R.Dhandapani

2.R.Kuppuraj

3.V.Masilamani

... Respondents

PRAYER: Civil revision petition is filed, under Article 227 of the Constitution of India, to call for the fair and decreetal order made in I.A.No.561 of 2013 in O.S.No.239 of 2010, on the file of the Sub Court, Palani and to set aside the same.



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For Petitioners : Mr.C.Mayilvahana Rajendran

For Respondents : No appearance for R1
R2 – Died
Mr.R.Suriya Narayanan for R3

ORDER

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the third respondent.

2. This civil revision petition is preferred as against the order dated 31.03.2015, passed in I.A.No.561 of 2013 in O.S.No.239 of 2010, on the file of the Sub Court, Palani.

3. For the sake of convenience, the parties are referred as per the ranking in I.A.No.561 of 2013.

4. The petitioners / plaintiffs filed I.A.No.561 of 2013 to recall P.W.1 for marking a document i.e. Partition deed. However, the Trial Court finding that the said document was not purchased in the name of the person concerned and no proper stamp duty was paid, dismissed the interlocutory application.



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5. Today, when the matter was taken up for hearing, learned counsel appearing for the third respondent submitted that in view of the pendency of this civil revision pending since 2015, the suit in O.S.No.239 of 2010 is kept pending unheard and therefore, he has no objection in allowing this civil revision petition.

6. Recording the no objection of the learned counsel for the third respondent, this civil revision petition is allowed and the order dated 31.03.2015, passed in I.A.No.561 of 2013 in O.S.No.239 of 2010, on the file of the Sub Court, Palani, is set aside. The application in I.A.No.561 of 2013 is allowed. The learned Trial Judge is directed to fix a particular date for the purpose of examination of P.W.1. The petitioners should ensure the presence of P.W.1 on the said date. The petitioners are directed to examine P.W.1 on the very same date without seeking adjournment. The learned Trial Judge is directed not to grant adjournment to the petitioners for examination of P.W.1 on the stipulated date. Incase, the petitioners failed to examine P.W.1, it is open to the learned Trial Judge to close the evidence and post the matter for arguments. It is open to the respondents to cross-examine P.W.1 with respect to the partition deed, if they are so advised.



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7. Since the suit is of the year 2010, every effort should be taken by the learned Trial Judge to dispose of the suit as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

09.06.2023

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

krk

To:
The Sub Judge,
Palani.



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L.VICTORIA GOWRI, J.

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