



C.R.P.(MD)Nos.2665 & 2666 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.2665 and 2666 of 2023

and

C.M.P(MD)No.13887 of 2023

1.A.Sagayamary

2.R.Arokiyasamy : Petitioners/Petitioners/Defendants
(in both petitions)

Vs.

Christopher : Respondent/Respondent/Plaintiff
(in both petitions)

Prayer in C.R.P.(MD)No.2665 of 2023 : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order in I.A.No.SR 3722 of 2022 in O.S.No.933 of 2019 passed by the District cum Judicial Magistrate, Srirangam, dated 11.11.2022 and direct the District cum Judicial Magistrate, Srirangam to number the I.A.No.SR 3722 of 2022 and decide the same on merits.

Prayer in C.R.P.(MD)No.2666 of 2023 : This Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order in I.A.No.SR 3729 of 2022 in O.S.No.933 of 2019 passed by the District cum Judicial Magistrate, Srirangam, dated 11.11.2022 and direct the



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District cum Judicial Magistrate, Srirangam to number the
I.A.No.SR 3729 of 2022 and decide the same on merits.

(in both petitions)

For Petitioner : Mr.K.P.Narayanakumar

COMMON ORDER

These Civil Revision Petitions are directed against the order of rejecting the petitions, one to reopen the case and the other to recall P.W.1 for further cross examination.

2. The learned counsel for the petitioners would submit that earlier, the petitioners have filed an application to recall P.W.1 and the same was allowed on 27.04.2022; that P.W.1 was cross examined in part on 27.07.2022 and P.W.1 was not cross examined subsequently and lastly the evidence was closed on 17.08.2022 and that therefore, the petitioners were constrained to file the above application to recall P.W.1 for further cross examination.

3. The learned counsel for the petitioners would submit that the learned trial Judge, by observing that after allowing the petition to recall



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P.W.1, on 27.07.2022, the petitioners have not chosen to cross examine the witnesses and on that basis, the evidence was closed on 17.08.2022.

4. Since the rejection orders are not in accordance with law, the same are liable to be set aside. Accordingly, the impugned orders in I.A.Nos.SR 3722 and 3729 of 2022 in O.S.No.933 of 2019 passed by the District cum Judicial Magistrate, Srirangam, dated 11.11.2022, are set aside. The learned District cum Judicial Magistrate, Srirangam, is directed to number the petitions and hear both the parties and then pass orders in accordance with law. Subject to the result of the above applications, the trial Court is directed to complete the trial and dispose of the same within a period of three months thereafter.

5. In the result, these Civil Revision Petitions are allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

16.10.2023

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



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To

- 1.The District cum Judicial Magistrate,
Srirangam.
- 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)Nos.2665 and 2666 of 2023
and
C.M.P(MD)No.13887 of 2023

Dated : 16.10.2023