



C.R.P.(MD) Nos. 1997 and 1998 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD) Nos. 1997 and 1998 of 2017
and
C.M.P(MD) Nos. 10040 and 10041 of 2017

C.R.P(MD) No.1997 of 2017:

1. Kalaivani
2. Hemalatha
3. Priyadharshini

... Petitioners/Respondents 1 to 3/
Plaintiffs 1 to 3

-vs-

1. O.Ramasamy
2. R.Rani

... Respondents/Petitioners 1 and 2
Defendants 4 and 5

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 08.03.2017 made in I.A.No.17 of 2016 in O.S.No.44 of 2014 on the file of the Additional District Court (Fast Track), Palani.

For Petitioners : Mr.T.Antony Arul Raj

For Respondents : Mr.S.Sridharan



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1. Kalaivani
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... Petitioners/Respondents 1 to 3/
Plaintiffs 1 to 3

-vs-

1. O.Ramasamy
2. R.Rani

... Respondents/Petitioners 1 and 2
Defendants 4 and 5

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 08.03.2017 made in I.A.No.18 of 2016 in O.S.No.44 of 2014 on the file of the Additional District Court (Fast Track), Palani.

For Petitioners : Mr.T.Antony Arul Raj

For Respondents : Mr.S.Sridharan

COMMON ORDER

The present Civil Revision Petitions have been filed by the petitioners/ Plaintiffs, under Article 227 of Constitution of India, against the fair and decreetal order dated 08.03.2017 made in I.A.Nos. 17 and 18 of 2016 in O.S.No.44 of 2014 on the file of the Additional District Court (Fast Track), Palani.



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2. The revision petitioners herein are the Plaintiffs and the respondents herein are the defendants 4 and 5 before the trial Court.

3. The short facts which give rise to the instant Civil Revision Petition are that the petitioners have filed the suit in O.S.No.44 of 2014 before the Additional District Court (Fast Track), Palani, for the relief of declaration and recovery of possession.

4. According to the petitioners, P.W4 was examined on 16.08.2016 and on that day, there was boycott by the Advocates, Hence, they were not in a position to cross-examine the witnesses. Therefore, the respondents/defendants 4 and 5 has filed an application to re-open the plaintiffs' side evidence and to recall P.W.4.

5. Per contra, disputing the allegations of the petitioners, the respondents had filed a counter statement that if at all any Advocates boycott, there could not have been the possibility for cross -examining the P.W-4 by the other defendants. Therefore, the very reasons assigned by the petitioners that there was Advocate boycott is contrary to the truth. Hence, he prayed to



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dismiss the applications.

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6. However, the learned trial Judge, after hearing the either side, has allowed the applications to re-open the plaintiffs' side evidence and to recall P.W.4 on the ground that in view of the boycott of the Advocates, an opportunity may be given to the petitioners in re-opining the plaintiffs' side evidence and recalling P.W.4.

7. The learned counsel for the petitioners would submit that the ground relied on by the learned trial Judge cannot be a correct one, since the other defendants have cross-examined the witnesses. Whereas from the perusal of the orders of the learned trial Judge, the learned trial Judge has recorded boycott by the Advocates. Therefore, since because of the counsel for the petitioners has not participated in the cross examination, the petitioners could not avail the opportunity for cross-examination of witnesses. Therefore, this Court could not find any infirmity to interfere with the orders of the learned trial Judge. Hence, the order passed by the learned trial Judge in I.A.Nos.17 and 18 of 2016 is hereby confirmed.



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8. In the result, both the Civil Revision Petitions stand **dismissed**.

There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

13.07.2023

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

1. The Additional District Court (Fast Track),
Palani.

C.KUMARAPPAN,J.



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