



CRP(MD)Nos.2, 3 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**CRP(MD)Nos.2, 3 of 2023**  
**and**  
**CMP(MD)No.14 of 2023**

Fauzia S Kabir

: Petitioner in both revisions

Vs.

1.Madurai Hoisery Industries Association  
Sivagangai Road,  
Urangampatti, Madurai.

2.The Branch Manager,  
Tamil Nadu Industrial Investment Corporation Ltd.,  
Anna Nagar, Madurai.

3.The Branch Manager,  
The Small Scale Industrial Development (SSIDCO),  
Melur Road, Madurai.

: Respondents in both revisions

**COMMON PRAYER:** Civil Revision Petitions filed under Article 227 of the Constitution of India to call for the records relating to the fair and executable order dated 10.08.2022 passed in I.A.Nos.1 & 2 of 2020, respectively, in O.S.No.343 of 2009 on the file of the District Munsif Court, Melur.

For Petitioner : Ms.P.Malini

[In both revisions]

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## **ORDER**

The petitioner is the plaintiff and she filed the suit in O.S.No.343 of 2009 before the District Munsif Court, Melur, for recovery of possession and for mandatory injunction. Pending the suit, she has filed the interlocutory applications I.A.Nos.1 & 2 of 2020 to reopen the case and to recall DW1, DW2, DW3 for the purpose of cross examination. The trial Court, by order dated 10.08.2022, dismissed the interlocutory applications and challenging the same, the petitioner has moved the instant revision petitions.

2.The suit was filed in the year 2009 and the trial commenced in the year 2012. The defendants' side evidence was completed in the year 2018 and the case was posted for arguments on 06.12.2018 and periodically adjourned. It appears that the petitioner has already filed an application under Order 16 Rule 1 CPC and the same was dismissed by the trial Court. Thereafter, at the request of this petitioner, the matter was referred to the Mediation and Conciliation Centre. But the mediation failed and when the matter was again listed for arguments, the petitioner has come forward with this application to reopen the case and to reexamine DW1, DW2, DW3.



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3.The trial Court has considered the issue elaborately. The trial was commenced on 17.09.2012. It appears that DW1 was examined on 21.03.2017 and cross examined by the petitioner / plaintiff on 23.06.2017 and 10.08.2017. Similarly, DW3 was cross examined on 29.08.2018. After five years, the petitioner has come forward with this application to reopen the case and to recall the witnesses, but has not stated sufficient reasons for the same.

4.The case is pending at the stage of arguments from the year 2018. Taking note of the above, the trial Court has dismissed the interlocutory applications filed by the petitioner and this Court does not find any error in the same. Even in the grounds raised in these revision petitions, the petitioner has not stated any reasons for reopening the case and for recalling the witnesses after a period of five years. Therefore, this Court is not inclined to entertain these revisions and the same are accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No  
Internet : Yes  
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**B.PUGALENDHI, J.**

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To

The District Munsif,  
Melur.

**CRP(MD)Nos.2, 3 of 2023**

**11.01.2023**