



C.R.P.No.286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.286 of 2023
and CMP.No.2373 of 2023

Abdul Munaf

... Petitioner

Vs

1.Chottimabeevi

2.Yakoop

3.Shabu @ Shamshath

... Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 25.11.2022 passed in I.A.No.1 of 2022 in O.S.No.89/2013 by the learned District Munsiff Court at Vandavasi.

For Petitioner : Mr.Vikesh Kumar R
for Mr.P.Sivamani

For Respondents : Mr.C.Munusamy

ORDER

This civil revision petition is preferred by the plaintiff. He had presented O.S.No.89 of 2013 before the District Munsif Court, Vandavasi



C.R.P.No.286 of 2023

seeking mandatory injunction directing the defendants to demolish the obstruction in the road poromboke portion shown as 'B' schedule mentioned property and for permanent injunction restraining the defendants not to interfere with his possession. A detailed written statement has been filed by the defendants and the matter was posted for trial. On 22.09.2022, when the matter was listed for cross-examination of P.W.1, the learned counsel for the defendants was absent. Therefore, the evidence of plaintiff was closed and the matter was posted for further evidence. Thereafter, immediately within a week i.e., on 28.09.2022, an application in I.A.No.1 of 2022 was filed by the defendants under Order XVIII Rule 17 of CPC to recall the evidence of P.W.1, to enable them to cross-examine the plaintiff. That application came to be allowed. Challenging the said order, the present revision is filed.

2. The records of the proceedings would show that when the matter was called, the learned counsel for the plaintiff/revision petitioner had left it to the Court to pass appropriate orders in the application. The learned Judge in order to balance the interest of the plaintiff and the defendants, has afforded liberty to the parties to let in evidence. The Code of Civil Procedure is not only a code of fairness, but an Act which incorporates within itself the



C.R.P.No.286 of 2023

principles of natural justice.

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3. It is the exercise of discretion by the learned District Munsif and when discretion has been exercised on sound principles, this Court should not interfere with the said order. Having left the decision in I.A.No.1 of 2022 to the Court, the plaintiff had invited the Court to pass an order applying the right principles of law to the correct facts of the case. Taking the overall circumstances into consideration, I am of the view that the order of the District Munsif impugned herein does not warrant interference in exercise of jurisdiction under Article 227 of the Constitution of India, and therefore, the present revision cannot be maintained.

4. The learned District Munsif is required to take note of the fact that the suit is pending for more than 10 years and therefore necessary attention should be given to dispose of the same, so that the plaintiff sees the end of the litigation at the earliest. The defendants shall complete the cross-examination before 30.06.2024. The defendants' side evidence should be completed on or before 31.08.2024, and the judgment in this suit should be pronounced on or before 30.09.2024.



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C.R.P.No.286 of 2023

5. With the above directions, this civil revision petition is dismissed.

No costs.

11.06.2024

Index: Yes/No

Speaking order / Non-speaking orders

To:

1. The District Munsif
Vandavasi

2. The Section Officer,
VR Section, High Court, Chennai.



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C.R.P.No.286 of 2023

V.LAKSHMINARAYANAN,J.

ds

C.R.P.No.286 of 2023

11.06.2024