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C.R.P.(PD)Nos.1448 and 1449 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD)Nos.1448 and 1449 of 2024

and

C.M.P.Nos.7767 and 7772 of 2024

1.Radhakrishnan

2.Malarkodi

.. Petitioners in
both CRPs

Vs.

1.Selvaraja

2.Selvarani

3.Dhanalakshmi

4.Anna Durai

.. Respondents in
both CRPs

Prayer in C.R.P.(PD)No.1448 of 2024 : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decree made in I.A.No.6 of 2023 in O.S.No.27 of 2017 dated 28.11.2023 on the file of the Sub Court, Jayankondam.



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Prayer in C.R.P.(PD)No.1449 of 2024 : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decree made in I.A.No.7 of 2023 in O.S.No.27 of 2017 dated 28.11.2023 on the file of the Sub Court, Jayankondam.

For Petitioners : Mr.K.P.P.Raja Raja Chozhan
(in both CRPs)

COMMON ORDER

These revisions arise against the order passed in I.A.Nos.6 and 7 of 2023 in O.S.No.27 of 2017.

2. These two applications have been filed for the purpose of reopening and recalling the evidence of the four witnesses on the side of the plaintiffs.

3. The learned Trial Judge, taking into consideration the fact that the suit had been transferred to the file of the learned Subordinate Judge at Jayankondam midway through the proceedings, has exercised her discretion and has granted the relief as sought for in the applications. Unless and until,



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I find the order to be arbitrary or capricious, an exercise of discretion is not susceptible to be interfered with the revisional jurisdiction of this Court.

4. However, I have to take note of the fact that the parties having been litigating for more than 12 years before the Court. Therefore, the interest of justice requires a direction to be given to the learned Subordinate Judge at Jayankondam to ensure that the proceedings are expedited so as not result in the harassment of the plaintiffs due to the long pendency of the litigation.

5. Therefore, I feel that the evidence of D.W.1 shall commence on 10.06.2024, and shall be proceeded without any unnecessary adjournment and shall be completed on or before 19.07.2024. The Court might take into consideration the fact that the parties are litigating for a long time and it is better that they see the end of the litigation at the earliest.



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6. With the above directions, these Civil Revision Petitions stand dismissed. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

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Index:Yes/No

Speaking Order :Yes/No

Neutral Citation:Yes/No



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V. LAKSHMINARAYANAN, J.

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To

The Sub Court,
Jayankondam

C.R.P.(PD)Nos.1448 and 1449 of 2024
and
C.M.P.Nos.7767 and 7772 of 2024

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