



C.R.P.(MD)Nos.119 to 122 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)Nos.119 to 122 of 2024
and C.M.P.(MD).Nos.544, 545, 539 and 541 of 2024

S.K.Dhar

... Petitioner/1st Respondent/Plaintiff
in C.R.P.(MD).Nos.119 and 122 of 2024

1.R.Indirani

2.R.Deivendran

3.Janaki

4.Dhanalakshmi

5.Kurunji Meena

6.Chitradevi

... Petitioners/Respondents 1 to 6/Plaintiffs
in C.R.P.(MD).Nos.120 and 121 of 2024

Vs.

1.The Joint Commissioner,

Hindu Religious and Endowment Department,

Madurai.

... 1st Respondent/Petitioner/2nd Defendant
in All petitions

2.Arulmigu Perumalswamy Kovil,

Through its Poosari,

T.Bomminayakkanpatti,

Aundipatti Taluk,

Theni District.

.. 2nd Respondent/2nd Respondent/
1st Defendant in All petitions

COMMON PRAYER : Civil Revision Petitions are filed under Article
227 of the Constitution of India, to call for the records relating to the fair



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order and decreetal order dated 13.09.2023 passed in I.A.Nos.5 & 6 of 2023 and O.S.No.115 of 2014 and I.A.Nos.5 & 6 of 2023 and O.S.No. 113 of 2014 by the Sub Court, Theni and set aside the same.

For Petitioner : Mr.D.Malaichamy

For Respondent : Mr.M.Ramesh for R1
Government Advocate (Civil)

COMMON ORDER

These revision petitions have been filed against the fair order and decreetal order dated 13.09.2023 passed in I.A.Nos.5 & 6 of 2023 and O.S.No.115 of 2014 and I.A.Nos.5 & 6 of 2023 and O.S.No.113 of 2014 by the Sub Court, Theni and set aside the same.

2.A report has been called for from the trial Court as to the record of proceedings. A detailed report is filed, wherein, it has been stated that after the evidences on the side of the plaintiff was over, it was posted for defendants's side evidence. At that time, DW1 filed chief affidavit on 03.09.2021. Thereafter, it was posted for marking of documents. At that time the interlocutory application was filed to receive additional documents, that was also allowed. But later DW1 failed to appear. Because of his non appearance his evidence was closed on 23.02.2022



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and the matter was posted for arguments on 07.03.2022. On that date written arguments were filed by the plaintiffs. The second defendant was directed to file written arguments. Thereafter on 13.06.2022 the second defendant filed the petition to reopen his side evidence along with a petition to recall DW1. All those applications were allowed on payment of cost and posted for recalling of DW1. Then, pending the above said proceedings on 23.01.2023, the second defendant filed application to reopen the case and recall PW1 for further cross examination. That was also allowed on payment of cost.

3.Now the grievance of the petitioner is that instead of proceed with DW1, PW1 is going to be recalled for cross examination on the side of the second defendant. The grievance of the petitioner appears to be genuine in nature. There shall be a direction to the trial Court to proceed with the examination of DW1. After the defendants' side evidences is over, thereafter, PW1 may be put on box for further cross examination.



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4.With the above said directions, these civil revision petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.01.2024

Index : Yes / No
Internet : Yes / No
TM

To

1.The Subordinate Judge, Theni.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

TM

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