



C.R.P.(MD)Nos.534 & 535 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 27.02.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.534 and 535 of 2024
and
C.M.P(MD)Nos.2670 and 2671 of 2024

Kumar : Petitioner/1st Respondent / Plaintiff
(in both petitions)

Vs.

1.Ramalakshmi : 1st Respondent/Petitioner/3rd Defendant
(in both petitions)

2.Ramesh

3.Mahalingam : Respondents 2 & 3 /Respondent 2 & 3 /
Defendants 1 & 2
(in both petitions)

Common Prayer : These Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.Nos.7 and 8 of 2023 in O.S.No.6 of 2020 dated 21.09.2023 on the file of the Subordinate Court, Sattur.

For Petitioner : Mr.M.Solaisamy



WEB COPY



C.R.P.(MD)Nos.534 & 535 of 2024

ORDER

These Civil Revision Petitions are directed against the order passed in I.A.Nos.7 and 8 of 2023 in O.S.No.6 of 2020 dated 21.09.2023 on the file of the Subordinate Court, Sattur, allowing the petition to recall P.W.1 for cross examination and to reopen the case.

2.The revision petitioner as plaintiff has filed the above suit for partition and allotment of $\frac{1}{4}$ shares to the plaintiff. The third defendant, who remained ex-parte earlier, has filed an application for setting aside the ex-parte order and the same came to be allowed. Thereafter, the third defendant has filed a written statement along with counter claim and after receipt of the same by the trial Court, she has filed the above applications one to recall P.W.1 for further cross examination and other to reopen the case.

3. The learned counsel for the petitioner would submit that they have filed the above suit alleging that the third defendant is having $\frac{1}{4}$ share in the suit property and in counter claim, she has specifically stated that she has not



C.R.P.(MD)Nos.534 & 535 of 2024

claimed any right over the suit property and that there is no need or necessity

for cross examine the P.W.1.

4. It is seen from the records that the revision petitioner has earlier filed a revision in C.R.P(MD)No.1577 of 2023 and this Court has directed the trial Court to dispose of the suit within a period of two months from the date of receipt of copy of that order. The learned trial Judge, by observing that in order to decide the issues involved in the suit, P.W.1 has to be cross examined by the third defendant in respect of her objections raised in the counter claim; that the revision petitioner has already filed a reply statement to the counter claim and that P.W.1 has to be cross examined with respect to those aspects, has allowed the application. Since the ex-parte order passed against the third defendant was set aside and she was allowed to take part in the trial proceedings and the impugned order to reopen the case and to recall P.W.1 for cross examination on the side of the third defendant cannot be found fault with. Consequently, the Civil Revision Petition is devoid of merits and the same is liable to be dismissed.

5. The learned counsel for the petitioner would submit that two months time limit already stipulated by this Court, has already been expired.



C.R.P.(MD)Nos.534 & 535 of 2024

WEB COPY 6. In the result, these Civil Revision Petitions are dismissed. The trial Court is directed to proceed with the trial and dispose of the suit in O.S.No.6 of 2020 within a period of two months from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.02.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
das

To

- 1.The Subordinate Judge, Sattur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P.(MD)Nos.534 & 535 of 2024

K.MURALI SHANKAR,J.

DAS

Order made in
C.R.P.(MD)Nos.534 and 535 of 2024
and
C.M.P(MD)Nos.2670 and 2671 of 2024

Dated : 27.02.2024