



CRP(MD). No.372 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Seventeenth day of February Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

CRP(MD). No.372 of 2024

1.Thangakumaran

2.M.Ravindran

..Petitioner

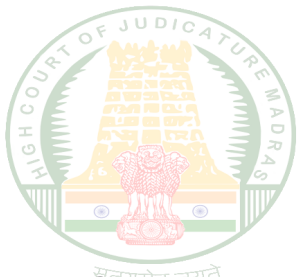
Vs

Deepa

..Respondent

Prayer :-

Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating Cr.M.P.No.794 of 2023 in CrI.A.No.90 of 2023 dated 22-01-2024 on the file of learned Additional District and Sessions Judge, Tenkasi, and set aside the same and consequently allow the present civil revision petition in respect of the petitioners herein.



CRP(MD). No.372 of 2024

ORDER:-
WEB COPY

This Revision Petition coming on for orders on this day For being mentioned caption and upon perusing the petition and the affidavit filed in support thereof and and the order dated 18/09/2024 and upon hearing the arguments of Mr.S.K.Dinesh Advocate for Mr.J.Udhaya kumar counsel for the petitioner and of Mr.S.Meenakshisundaram Senior Counsel for M/s R.J.Karthick Advocate for the respondent, this Court made the following order:

“Heard the learned senior counsel appearing for the respondent in C.R.P.(MD) No.372 of 2024 and the learned counsel appearing for the petitioners.

2. C.R.P.(MD)No.372 of 2024 was disposed of by me on 18.09.2024 in the following terms:-

“14. In view of the same, I set aside the impugned order. The learned Additional District and Sessions Judge, Tenkasi will take up CrI.A.No.90 of 2023 on 18.10.2024. The first petitioner can be represented by counsel. The second petitioner shall appear in person on the said date and hand over demand draft for a sum of Rs.2,00,000/- to the respondent herein. The first appellate Court will permit evidence to be taken on the side of the revision petitioners

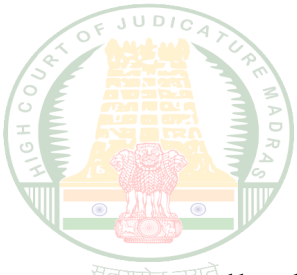


CRP(MD). No.372 of 2024

WEB COPY

herein. Whatever relevant documents that are sought to be produced shall be received in evidence. I am granting such liberty in view of the fact that D.V.C.No.8 of 2023 was given an abrupt disposal on 18.05.2023 itself. Any appeal is a continuation of the original proceeding. The first appellate Court will take into account the evidence adduced on either side. The petitioners herein are permitted to lead oral evidence and the respondent is at liberty to cross examine the witnesses. The first appellate Court though sitting in appeal over the order dated 18.05.2023 in D.V.C.No.8 of 2023 will approach the issue afresh. The learned Additional District and Sessions Judge, Tenkasi is directed to dispose of Crl.A.No.90 of 2023 on or before 15.11.2024."

3. The learned senior counsel appearing for the respondent submits that the operative portion of the order has been misconstrued by the court below. The court below appears to have understood the said direction as if I had given liberty only to the revision petitioners to lead additional evidence. That was not the purport of the order passed by me. I had specifically stated that the appellate court though sitting in appeal will approach the issue afresh. I had also indicated that the first appellate



CRP(MD). No.372 of 2024

court will take into account the evidence adduced on either side. In other words, I
WEB COPY
had given liberty to both sides to adduce further evidence. The order dated
18.09.2024 made in C.R.P.(MD)No.372 of 2024 is accordingly clarified.”

Sd/-

Assistant Registrar(C.O)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

The Additional District and Sessions Judge,
Tenkasi

Copy to:

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



WEB COPY



CRP(MD). No.372 of 2024

ORDER DATED : 17/02/2025

=====
ORDER
=====

CRP(MD). No.372 of 2024

KVL(28/02/2025) 5P 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023