



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)(PD)No.850 of 2021

and

C.M.P.(MD)No.4573 of 2021

1.K.Suthakaran
2.Nalina Kumari
3.Vikraman
4.K.Kalatharan
5.K.Paraveen Kumar

... Petitioners

-VS.-

1.Krishna Leela
2.Harikumar
3.Suseela
4.Mohanakumar
5.Ushakumari
6.Ajith Kumar
7.Sheelakumari
8.Devaki

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India to set aside fair order and decretal order dated 10.03.2021 passed in I.A.No.2 of 2020 in O.S.No.241 of 2009 on the file of the Principal District Munsif, Padmanabhapuram.



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For Petitioner :Mr.M.R.Sreenivasan
For R1 and R2 :Mr.G.Cenil
R3 to R8 :Dispensed with

ORDER

The Civil Revision Petition has been filed challenging the impugned order passed in I.A.No.2 of 2020 in O.S.No.241 of 2009, dated 10.03.2021, by the learned Principal District Munsif, Padmanabhapuram.

2.Originally, the suit was filed by the respondents 1 and 2/plaintiffs for easementary right. In the progression of the trial, the defence witness was closed. An application was filed by the Revision Petitioners to reopen the witness and the same was allowed in I.A.No.1 of 2019 on payment of costs. Thereafter, the trial Court has adjourned the matter for the cross examination of defence side witness on 03.02.2020, 11.02.2020, 13.03.2020, 26.03.2020, 03.06.2020, 19.06.2020, 22.06.2020, 18.08.2020, 11.09.2020, 28.09.2020, 05.10.2020 and on 16.10.2020. As the defendants did not make an attempt to examine their witnesses, their witnesses were closed. Hence, the Revision Petitioners/defendants 8 to 12 have filed an application to reopen the case to



adduce the evidence of the defendants 8 to 12. The trial Court has dismissed the said application. Challenging the same, the present Civil Revision Petition has been filed by the defendants 8 to 12.

3.The learned Counsel for the Revision Petitioners submitted that if the defence witnesses were not examined, it will put great detrimental to them and seeks interference of this Court.

4.The learned Counsel for the respondents 1 and 2/plaintiffs contended that despite a liberal view was taken by the trial Court in granting innumerable time for the defendants witnesses to be examined, the Revision Petitioners have not availed such opportunity almost for 11 hearings. By recording the same, the trial Court has closed the examination of defence witness, which needs no interference of this Court.

5.From the records, it is seen that the trial Court has given enormous time, however, the Revision Petitioners have not availed the opportunity to examine the witnesses.



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6.By consent of the Revision Petitioner and the respondent/plaintiff, the trial Court is directed to get the list of defence side witness and the witnesses be examined in chief and cross examined by the trial Court on 08.01.2025 and 09.01.2025 beyond that, the trial Court is directed to close the examination of defence side witnesses. As the suit is of the year 2009, the trial Court is directed to conclude the entire suit proceedings within a period of three months from the date of receipt of a copy of this order.

7.With the above observations, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.12.2024

Internet :Yes/No
NCC :Yes/No
Index :Yes/No

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To

The Principal District Munsif, Padmanabhapuram.



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N.SENTHILKUMAR, J.

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