



C.R.P(MD)Nos.1438 & 1439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.1438 & 1439 of 2024

and

C.M.P(MD)No.8521 of 2024

C.R.P(MD)No.1438 of 2024:

S.Rajasekaran

... Petitioner /
Respondent /
Plaintiff

Vs.

1.Seethalakshmi

2.C.Uma

... Respondents /
Petitioners /
Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.04.2024 passed in I.A.No.2 of 2024 in O.S.No.41 of 2019 on the file of the Sub Judge, Melur.

For Petitioner : Mr.Babu Rajendran



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For Respondents : Mr.S.Parthasarathy

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C.R.P(MD)No.1438 of 2024:

S.Rajasekaran

... Petitioner /
Respondent /
Plaintiff

Vs.

1.Seethalakshmi

2.C.Uma

... Respondents /
Petitioners /
Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.04.2024 passed in I.A.No.3 of 2024 in O.S.No.41 of 2019 on the file of the Sub Judge, Melur.

For Petitioner : Mr.Babu Rajendran

For Respondents : Mr.S.Parthasarathy

COMMON ORDER

The plaintiff in O.S.No.41 of 2019 on the file of Sub Court, Melur is the petitioner in these revision petitions.

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2.The defendants in the suits had filed I.A.Nos.2 and 3 of 2024 for reopening and recall of P.W.1 and P.W.2. The Court below vide order dated 02.04.2024 allowed the IAs. Challenging the same, this Civil Revision Petition came to be filed.

3.The learned counsel appearing for the revision petitioner states that suit for recovery of money was filed way back in the year 2013 and that it has been subsequently transferred and renumbered as O.S.No.41 of 2019. He points out that the plaintiff side evidence has already been closed. He states that the endeavour of the defendants is to fill up the lacuna.

4.The learned counsel for the respondents submits that the impugned order is well reasoned and that it does not warrant interference.

5.I carefully considered the rival contentions and went through the materials on record.



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6.The impugned order has only permitted reopen and recall. The trial Court has exercised its discretion in favour of the applicant. In exercise of jurisdiction under Article 227 of the Constitution of India, I am not inclined to interfere. The respondents are directed to conclude the reexamination of P.W.1 and P.W.2 on the same date when the witnesses are produced. Since the suit is 11 years old, the learned trial Judge is directed to dispose of the same on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

7.These Civil Revision Petitions are dismissed with the aforesaid direction. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

02.09.2024

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

To

The Sub Judge, Melur.

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G.R.SWAMINATHAN, J.

MGA

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and
C.M.P(MD)No.8521 of 2024

02.09.2024