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CRP(MD).No.1632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.1632 of 2024
and C.M.P(MD).No.9582 of 2024**

Vijayakala

... Petitioner

-Vs-

1.Maharajan
2.Malnadar

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 29.04.2024 made in I.A.No.145 of 2024 in O.S.No.65 of 2020 on the file of the District Munsif Court, Sathankulam and allow the above civil revision petition.

For Petitioner : Mr.B.Arun

ORDER

The civil revision petition is filed against the order dated 29.04.2024 made in I.A.No.145 of 2024 in O.S.No.65 of 2020.



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2. By the said order, the Interlocutory Application filed by the defendants to reopen and recall P.W.1 was allowed on payment of costs. Aggrieved by the same, the plaintiff is before this Court.

3. The learned counsel appearing on behalf of the petitioner would submit that when the suit is at the argument stage, without any valid reason whatsoever, only to drag on the proceedings, the present petition is filed. All the defendants are contesting the suit only on similar lines. When already cross-examination is done on behalf of the other defendant, the recalling of P.W.1 at the instance of the defendants 1 and 3 was unnecessary.

4. Be that as it may, it can be seen that the suit is in advanced stage rather than to adjudicate the matter relating to the correctness of the recall of P.W.1, considering the overall facts and circumstances of the case, when the trial Court has exercised its discretion in allowing P.W.1, this Court is not willing to interfere primarily based on the fact that the suit has to be disposed of at an early date.



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5. In view of the nature of directions, which are to be issued, the same is issued even at the admission stage in the absence of the respondents, the Civil Revision Petition is disposed of on the following terms:-

(i) The order of the learned District Munsif, Sathankulam, dated 29.04.2024 made in IA.No.145 of 2024 in O.S.No.65 of 2020 is upheld;

(ii) On the next hearing date, after production of this order, the P.W.1 be present and the cross-examination by the first and third defendants shall be conducted on the same day and no adjournment shall be given. Thereafter, the trial Court shall proceed to dispose of the suit as expeditiously as possible by posting for arguments on day-to-day basis and complete the same, in any event, not later than two months from the date of receipt of a copy of the order.

No costs. Consequently, connected Miscellaneous Petition is closed.

24.07.2024

Index : Yes / No
Internet : Yes/ No
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D.BHARATHA CHAKRAVARTHY, J.

Rmk

To

1.The District Munsfi, Sathankulam.

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