



C.R.P(MD)Nos.1527 & 1528 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:14.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)Nos.1527 and 1528 of 2023

and

C.M.P.(MD)No.7548 of 2023

Ray George Stephanos

.. Petitioner/7th Defendant
in both petitions

Vs.

1. R. Vijayan
2. R. Suresh
3. Sasikala
4. P. Neelathankam
5. M.P.Clement
6. Anchu
7. R. Balachandran
8. R. Krishnakutty
9. R. Sasi
10. Swornabai
11. R. Ravindran
12. Sreekumari
13. Sreedevi
14. Vijayakumari
15. T. Hariharasudhan



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16. Vijayalakshmi

17. Kamalam

18. Rani

19. R. Harish Chandran

.. Respondents / Defendants
in both petitions

[Respondents 3,4 & 6 are exparte before the trial Court. Hence, notice to them is dispensed with.]

Common Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal orders dated 01.06.2023 made in I.A.Nos.10 and 11 of 2023 in O.S.No.433 of 2004 on the file of the II-Additional District Munsif, Nagercoil.

In both cases:

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.G.Ramanathan

for R7 to R19

: No appearance for R1, R2 & R5

: Dispensed with for R3, R4 & R6

COMMON ORDER

These revision petitions are filed by the petitioner against the fair and decreetal order dated 01.06.2023 made in I.A.Nos.10 and 11 of 2023 in O.S.No.433 of 2004 on the file of the II-Additional District Munsif, Nagercoil.



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2. The suit was filed for partition and separate possession.

Pending suit, PW1 was examined in chief and cross. Later, some documents came to be marked by the plaintiffs and PW1 was recalled and again PW1 was cross-examined by the petitioner/7th respondent. Once again, for the cross-examination of PW1 with reference to the additional documents, the petitioner filed petitions in I.A.Nos.10 and 11 of 2023 for reopen and to recall PW1 respectively. The said petitions came to be dismissed by the trial Court stating that elaborate cross-examination of PW1 was made by this revision petitioner at length and only to drag on the trial proceedings, those petitions have been filed by the petitioner. It is also observed that sufficient opportunity was also given to the revision petitioner to cross-examine PW1 and further opportunity for cross-examination also granted. Against which this revision petition has been preferred.

3. The learned counsel for the revision petitioner submitted that with reference to 7 documents alone, cross-examination was made. Those documents were filed along with the plaint. Later only, the additional documents were produced by the plaintiffs with reference to those documents, he filed petition for cross-examination of PW1. These facts



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are disputed by the respondent herein. The learned counsel for the petitioner further submitted that since the said documents were marked on the side of the respondents, there is no cross-examination with reference to those documents by the petitioner.

4. Hence, his right will be prejudiced. On this sole ground, the order passed by the trial Court is liable to be set aside and of course on payment of cost to the respondent herein. He also prays this Court to issue a direction to the trial Court to dispose of the suit in O.S.No.433 of 2004 within a time frame.

5. In view of the above, this Court directs the revision petitioner to pay the cost of Rs.2000/- to the respondent directly and the cross-examination of PW1 shall also be completed on or before 25.03.2024 by the petitioner.

6. The trial Court shall follow the directions issued by this Court in R.O.C.No.984/2015/RG/B5 dated 25.02.2016 directing the trial Courts to expedite the trial process in the matters pending for more than 5 years and also to follow the directions issued by this Court in



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R.O.C.No.3793A/2010/B5/Statistics dated 11.08.2010 wherein the trial

Courts are directed to expedite the trial process in the Senior Citizens cases.

7. With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

14.03.2024

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

Note: Issue order copy on 15.03.2024.

To

1.The II-Additional District Munsif, Nagercoil.

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



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G.ILANGO VAN, J.

PJL

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