



C.R.P. (MD) No. 1669 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) No. 1669 of 2024

and

C.M.P (MD) No.9775 of 2024

Ramesh

Through Power Agent

Syed Masood Diwan Ali

... Petitioner/

1st Defendant

-VS-

1.Abdul Azeem

2.Abdul Raseeth

Through Power Agent

Abdul Kareem

... Respondents/
Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A.No.12 of 2024 in O.S.No. 566 of 2014 dated 06.04.2024 on the file of the I Additional District Munsif Court, Tirunelveli.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.M.P.Senthil for R1



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ORDER

The Civil Revision Petition is directed against the order dated 6.04.2024 made in I.A.No.12 of 2024 in O.S.No.566 of 2014. By the said interlocutory application, the petitioner herein, being the first defendant, has prayed to recall DW2 for further cross-examination. The same was dismissed by the Trial Court and hence the revision.

2. Heard the learned Counsel for the petitioner and the learned Counsel appearing on behalf of the Caveator.

3. The learned Counsel for the petitioner would submit that when the defendant completed the cross-examination of DW2, upon realization that certain questions which were supposed to be put to DW2 were not put to him by sheer omission, on the very next day itself, the petition is filed. In view thereof, the Trial Court ought to have granted an opportunity to the petitioner herein.

4. I have considered the said submission made by the learned Counsel for the petitioner and perused the material records of the case. It is not the case that



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the DW2 was not cross-examined. A perusal of the evidence shows that DW2 have been was cross-examined in detail. The petition does not pinpoint any specific reason for further cross-examination except to state that some questions were omitted to be asked. Without even roughly mentioning as to the reason, especially in a case where already the DW2 has been cross-examined in detail, the prayer has rightly been rejected by the Trial Court and I do not see any compelling reason to interfere into the same.

5. Accordingly, finding no merits,the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

26.07.2024

NCC : Yes/No

PKN



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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

1. The I Additional District Munsif Court, Tirunelveli.

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