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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2024

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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

C.R.P.(MD)No.1109 of 2020
and
C.M.P.(MD)No.7178 of 2020

G.Paramananthan

... Petitioner

vs.

Narayana Reddiar (died)

1.Athikesavaraj
2.Balasubramani
3.Rajalakshmi
4.Saroja
5.Ponnuthayee
6.Vijayalakshmi
7.Lalitha
8.G.Vishwanathan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 05.02.2020 passed in I.A.No. 1177 of 2019 in O.S.No.349 of 2010 on the file of the learned Principal District Munsif Court, Dindigul.

For Petitioner : Mr.M.P.Senthil
For R1 to R7 : No Appearance



ORDER

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This Civil Revision Petition has been filed against the order passed in I.A.No.1177 of 2019 in O.S.No.349 of 2010 on the file of the Principal District Munsif Court, Dindigul dated 05.02.2020.

2.Pursuant to the earlier order of this Court dated 20.11.2024, the learned counsel for the petitioner filed a memo dated 03.12.2024 stating as follows:

“The above Civil Revision Petition has been filed against the fair and decreetal order passed in I.A.No. 1177 of 2019 in O.S.No.349 of 2010 on the file of Principal District Munsif Court, Dindigul. The respondents 1 to 7 were arrayed as defendants in the suit and they are only contesting parties in the above civil revision petition. The 8th respondent in the above civil revision petition arrayed as 2nd plaintiff in the above suit. Hence this Hon'ble Court may be pleased to dispense with the notice to the 8th respondent. This Hon'ble Court may be pleased to record the above memo.”

The said memo is recorded.

3.The case of the revision petitioner is that he wanted to recall the evidence of P.W.1, through whom the defendant's father has issued legal notice to the father of the plaintiffs. For marking those documents, the plaintiffs had filed this application to recall P.W.1. The trial Court had dismissed the said application disbelieving the contentions raised by the plaintiff/revision petitioner.



4.Despite service of notice, none appeared on behalf of the respondents.

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5.Heard the learned counsel for the petitioner and perused the materials placed on record.

6.The revision petitioner seeks only to mark the legal notice issued by the defendant's father to the plaintiff's father. Only for marking the said document through P.W.1, the application was filed by the plaintiffs to recall P.W.1. Hence, the order of the trial Court dismissing the said application without any sound reason cannot be sustained. Hence, this Civil Revision Petition is allowed and the order passed by the trial Court in I.A.No.1177 of 2019 is set aside.

7.Since the suit is of the year 2010, the trial Court is directed to conclude the trial proceedings within a period of eight months from the date of receipt of a copy of this order by giving preference, if there is any necessity to conduct the suit on day-to-day basis. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2024

Internet :Yes/No

NCC :Yes/No

Index :Yes/No

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To

The Principal District Munsif Court, Dindigul



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N.SENTHILKUMAR, J.

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C.R.P.(MD)No.1109 of 2020

03.12.2024