



C.R.P. (MD) Nos. 1821 and 1822 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) Nos. 1821 and 1822 of 2022
and
C.M.P. (MD) No.8204 of 2022

Thirumathi

... Petitioner/

2nd Defendant

(in both petitions)

-VS-

D.Sakthivel

... Respondent/
Plaintiff

(in both petitions)

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 08.08.2022 made in I.A.Nos.3 and 4 of 2022 in O.S.No.703 of 2013 on the file of the I Additional District Munsif, Tiruchirappalli and allow the civil revision petitions.



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For Petitioner : Mr.C.Vakeeswaran (in both petitions)
For Respondent : Mr.J.Selvam (in both petitions)

COMMON ORDER

These Civil Revision Petitions are filed aggrieved by the order dated 08.08.2022 made in I.A.Nos.3 and 4 of 2022 in O.S.No.703 of 2013.

2. By the said interlocutory applications, the petitioner has prayed to re-open the plaintiff side evidence and recall P.W.1 for further cross-examination. The learned Counsel appearing on behalf of the petitioner would submit that the Trial Court ought to have seen that only when the plaintiff evidence was closed in the month of June and immediately in the month of July, the applications were immediately filed. The reasoning given by the Trial Court as if long time was granted to the defendants to let in evidence and without letting evidence the petition is filed is factually incorrect. When there was change of counsel, when the new counsel felt that cross-examination was not done with reference to certain crucial aspects, more specifically regarding the possession of the suit schedule property, the Trial Court should have granted one more opportunity.



3. The Civil Revision Petition is resisted by the learned Counsel for the respondent supporting the order of the Trial Court.

4. I have considered the submissions made on both sides and perused the material records of the case.

5. This Court also requested the learned Counsel for the petitioner to produce the chief examination, cross-examination of P.W.1. It can be seen that even the earlier counsel of the defendants have cross-examined the plaintiff in detail even with reference to nature of the property and enjoyment thereof and also the title. In this case, the plaintiff claims title stating that his father has purchased the property from one Rajambal. The defendants case is that he is the son-in-law of the said Rajambal and the said Rajambal did not sell the property but it was only a mortgage. Therefore, with reference to the said issue between the parties, the cross-examination has also been done in detail. With reference to possession also questions were asked and the P.W.1 has answered that the suit property is a vacant land and that he is not residing in the said property.

6. In view thereof, I do not find that the earlier cross-examination is lacking or it is done in a haphazard manner. The new counsel has only to run



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the relay race and he cannot go again to the starting point and redo the whole exercise. Therefore, finding no merits, the Civil Revision Petitions stand dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

24.07.2024

NCC : Yes

PKN

To

1. The I Additional District Munsif, Tiruchirappalli.



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D.BHARATHA CHAKRAVARTHY, J.

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