



CRP(MD).Nos.2115 and 2116 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.07.2024

CORAM

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

**C.R.P(MD)Nos.2115 and 2116 of 2022
and C.M.P(MD).Nos.9755 and 9757 of 2022**

Shanthi

... Petitioner in both petitions

-Vs-

1.Shanmugathai

2.Manikandan

... Respondents in both petitions

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.08.2022 passed in I.A.Nos.4 and 5 of 2022 in O.S.No.186 of 2012 on the file of the Additional District Munsif Court, Sankarankovil.

In both petitions

For Petitioner	: Mr.R.J.Karthick
For Respondents	: Mr.S.A.Ganapathy Raman



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COMMON ORDER

These civil revision petitions are directed against the order dated 26.08.2022. By the said order, I.A.Nos.4 and 5 of 2022 in O.S.No.186 of 2012 filed by the second defendant were allowed. The prayer in the said Interlocutory Applications are to reopen the case and recall P.W.1. The second defendant wants to recall P.W.1 and examine him with reference to the documents, which is produced by him, which are nothing, but the plaint, deposition, etc., in the earlier suit between the parties in O.S.No.15 of 2006. The trial Court, after considering the case of the parties, allowed the petitions on payment of cost of Rs.500/-. These civil revision petitions are filed against the said orders.

2. Mr.R.J.Karthick, learned counsel appearing on behalf of the petitioner would submit that firstly when they have produced the documents and they are ready to examine their witnesses, they can mark the documents through their witnesses and there will be absolutely no prejudice for the second defendant in not examining the plaintiff. Secondly, he would submit that now the P.W.1 is out of the State (In



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Kerala) and will be unable to appear before the trial Court for examination of the said purpose and therefore, the matter will be dragged on.

3. Per Contra, Mr.S.A.Ganapathy Raman, learned counsel appearing on behalf the respondents would submit that the documents are already produced before the Court, they are nothing, but earlier proceedings. The parties cannot even deny the same. It is relevant to confront the P.W.1 with the said documents.

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. It can be seen that the documents are nothing, but those arose in the earlier suit between the parties. In view thereof, it would be relevant to confront the P.W.1 with the said documents. Even though the same can also be marked by the defendants' side witnesses, when the trial Court has given an opportunity to the second defendant to confront the P.W.1, no exception can be taken and I see no compelling reasons to interfere with the discretion exercised by the trial Court. As far as the difficulty, which is



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expressed by the learned counsel for the petitioner, if the petitioner is away in a far off place, now it is very much possible to examine P.W.1 on through virtual mode with reference to the limited scope of confronting the documents alone and the trial Court can resort to the said procedure.

6. In view thereof, I do not find any reasons to interfere in the order dated 26.08.2022, accordingly, these Civil Revision Petitions stand disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.07.2024

Index : Yes / No
Internet : Yes/ No
Rmk

To
1.The Additional District Munsif, Sankarankovil.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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