



C.R.P(MD)Nos.2448 & 2449 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 04.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.2448 & 2449 of 2024

and

C.M.P(MD)No.13754 of 2024

C.R.P(MD)No.2448 of 2024:

Karuppasamy

... Petitioner /
Petitioner /
Plaintiff

Vs.

Ganesan (Died)

1.Packiyalakshmi

Sathiyaraj (Died)

2.Vignesh

... Respondents 1 & 2 /
Respondents 1 & 2/
Defendants 2 & 4

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 18.09.2024 passed in I.A.No.5 of 2024 in O.S.No.6 of 2021 on the file of



C.R.P(MD)Nos.2448 & 2449 of 2024

the learned Additional District Judge, Aruppukkottai and allow the civil revision petition.

For Petitioner : Mr.V.Sasi Kumar

C.R.P(MD)No.2449 of 2024:

Karuppasamy

... Petitioner /
Petitioner /
Plaintiff

Vs.

Ganesan (Died)

1.Packiyalakshmi

Sathiyaraj (Died)

2.Vignesh

... Respondents 1 & 2 /
Respondents 1 & 2 /
Defendants 2 & 4

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.09.2024 passed in I.A.No.6 of 2024 in O.S.No.6 of 2021 on the file of the learned Additional District Judge, Aruppukkottai and allow the civil revision petition.

For Petitioner : Mr.V.Sasi Kumar



C.R.P(MD)Nos.2448 & 2449 of 2024

COMMON ORDER

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Heard the learned counsel appearing for the revision petitioner.

2.The revision petitioner is the plaintiff in O.S.No.6 of 2021 on the file of the Additional District Judge, Aruppukkottai. It is a suit for recovery of money on the basis of registered mortgage said to have been executed by the defendants. The petitioner filed I.A.Nos.5 of 2024 and 6 of 2024 for reopening their side and for recalling DW.2 for further cross examination. The said Interlocutory Applications were dismissed on 18.09.2024. Challenging the same, these two Civil Revision Petitions came to be filed.

3.The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of the Civil Revision Petitions and called upon this Court to set aside the impugned orders and allow the Civil Revision Petitions as prayed for.

4.I am not swayed by the said submissions. The plaintiff's side evidence was closed on 05.08.2023. Thereafter, the matter was posted



C.R.P(MD)Nos.2448 & 2449 of 2024

for defendants' side evidence. After their side was closed, the case was posted for arguments on 19.08.2024, 23.08.2024, 27.08.2024 and 30.08.2024. On 30.08.2024, plaintiff argued his case. When the matter was posted for defendants' side argument, the present Interlocutory Applications were filed.

5.The Court below had held that relief under Order 18 Rule 17 of Civil Procedure Code, witnesses cannot be recalled to fill up lacuna. The Court below had relied on earlier judicial precedents to dismiss the Interlocutory Applications. The Court below has given sound reasons. Interference is not warranted.

6.These Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



C.R.P(MD)Nos.2448 & 2449 of 2024

To

The Additional District Judge,
Aruppukkottai.



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C.R.P(MD)Nos.2448 & 2449 of 2024

G.R.SWAMINATHAN, J.

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