



C.R.P(MD)No.2639 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.2639 of 2023
and
C.M.P(MD)No.13762 of 2023

Sakthivel

... Petitioner

Vs

1.Snow Niswanth

2.Mary

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order I.A.No.2 of 2023 in O.S.No. 36 of 2021 dated 22.08.2023 on the file of the learned Additional District Court, Paramakudi, Ramanathapuram District and allow this Civil Revision Petition.

For Petitioner : Mr.S.Muniyandi

For Respondents : No appearance



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ORDER

This Civil Revision Petition is filed to set aside the order I.A.No.2 of 2023 in O.S.No.36 of 2021 dated 22.08.2023 on the file of the learned Additional District Judge, Paramakudi, Ramanathapuram District and allow this Civil Revision Petition.

2. The suit in O.S.No.36 of 2021 was filed by this revision petitioner praying recovery of Rs.14,86,667/- with costs from the respondent herein. The defendant appeared and filed statement. After framing issues, trial commenced. At the time of argument, a petition was taken out by the revision petitioner herein to reopen the evidence to examine the witness to the pro-note. That petition came to be dismissed by the trial Court, stating that at the fag end of the process, the petition has been filed.

3. Learned counsel for the petitioner would submit that, at the time of closing of the evidence, the attesting witness was not available and he was sick. Because of that only, he could not examine the witness on his



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side. Now he recovered from his illness and ready to give evidence. On that ground the petition was filed.

4. Eventhough, there is a delay on the part of the petitioner in filing the petition for reopen the evidence, it is suit on pro-note, one more opportunity has to be given to the petitioner to examine witness on his side.

5. Therefore, the order made in I.A.No.2 of 2023 in O.S.No.36 of 2021 dated 22.08.2023 passed by the learned Additional District Judge, Paramakudi, Ramanathapuram District, is set aside. A sum of Rs.5,000/- (Rupees Five Thousand only) must be deposited by the petitioner before the trial Court as cost and the same may be withdrawn by the respondent after due acknowledgment. Let the petitioner take steps to produce witness on 27.03.2024 before the trial Court. If there is any delay on the part of the petitioner in producing the witness on that day, the evidence on the side of the petitioner must be closed and no further opportunity shall be given to the petitioner to produce any evidence thereafter.



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6. With the above direction, this Civil Revision Petition is allowed.

No costs. Consequently, connected miscellaneous petition stands closed.

08.03.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

Note: Issue order copy on **11.03.2024**

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To

1.The Additional District Court, Paramakudi, Ramanathapuram District.

2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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ORDER
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