



CRP NO. 1061 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRP NO. 1061 of 2025

and C.M.P.No.6106 of 2025

R.Appu ..Petitioner

Vs

K.Palaniyandi .. Respondent

PRAYER : Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the fair order passed in REP.No.40 of 2022 in A.O.P.No.02/2016, dated 07.03.2025 on the file of the learned Additional Subordinate Judge, Namakkal.

For Petitioner:

Mr. R.Naresh Kumar

ORDER

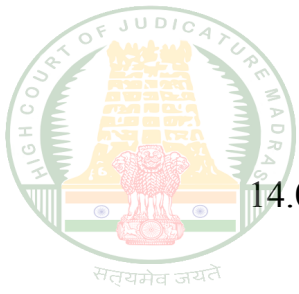
The present petition has been filed to to set aside the fair order passed in

REP.No.40 of 2022 in A.O.P.No.02/2016, dated 07.03.2025 on the file of the

learned Additional Subordinate Judge, Namakkal.

2. It is seen from the records that the revision in REP.No.40 of 2022 in A.O.P.No.02 of 2016 has been filed against the order of closure of evidence on the side of the respondent and the matter was posted for arguments on

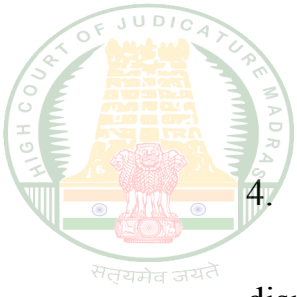
14.03.2025 as a last chance. It is noted that PW1 had been cross-examined on



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14.02.2025, and further PWs were closed. The matter was posted for the respondent's side evidence on 20.02.2025. Thereafter, when the matter was taken up on 20.02.2025, the respondent was called absent, and there was no representation by the Advocate on behalf of the respondent. Therefore, the matter was posted to 07.03.2025, and even on 07.03.2025, since the respondent was called absent and not ready to give evidence, the trial Court closed the evidence and posted the matter for arguments. Against the said order, the present revision petition has been filed.

3. The petitioner/respondent aggrieved by the decision of the trial court, can only file an application requesting to reopen the evidence on their side, providing reasons for their non-appearance at the previous hearing. However, without approaching the execution Court to reopen the evidence, the petitioner/respondent has directly approached this Court by filing a Civil Revision Petition, which is legally unsustainable.



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4. In light of the above circumstances, this Civil Revision Petition is dismissed. However, liberty is granted to the petitioner to file an appropriate petition before the execution court, seeking to reopen the evidence and the Court shall decide the same on its own merits. No costs. Consequently connected miscellaneous petition is closed.

13.03.2025

msv

To

The Additional Subordinate Judge, Namakkal.



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A.D.JAGADISH CHANDIRA,J.

Msv

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