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C.R.P.(PD)Nos.1237 & 1238 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD)Nos.1237 and 1238 of 2025
and CMP.Nos.7458 & 7460 of 2025

S.Jagadeesan

... Petitioner in both CRPs /
Defendant

Vs.

D.Murugesan

... Respondent in both CRPs/
Plaintiff

Prayer in CRP.No.1237 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the common order dated 17.12.2024 passed in I.A.No.4 of 2024 in O.S.No.527 of 2017 on the file of Court of the Principal Subordinate Judge at Salem by allowing the civil revision petition.

Prayer in CRP.No.1238 of 2025 : Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the common order dated 17.12.2024 passed in I.A.No.3 of 2024 in O.S.No.527 of 2017 on the file of Court of the Principal Subordinate Judge at Salem by allowing the civil revision petition.



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For Petitioner : Mr.S.Ganesh Kumar
(in both CPRs)

COMMON ORDER

Challenging the dismissal of his applications in I.A.No.3/2024 and I.A.No.4/2024, the defendant in O.S.No.527 of 2017 on the file of the Principal Subordinate Court, Salem, has preferred the present revision petitions.

2. When the suit in O.S.No.527 of 2017 was posted for arguments, the defendant has come forward with two applications viz., I.A.No.3 of 2024 and I.A.No.4 of 2024. The first of the applications, I.A.No.3 of 2024 was filed to reopen the case for recalling P.W.1 and I.A.No.4/2024 was filed to recall P.W.1 for the purpose of cross-examination. In the affidavits filed in support of the said applications, the defendant/petitioner would simply state that he seeks to recall the witness only on account of the fact that vital questions have been omitted to be asked during cross-examination.

3. These applications have been dismissed by the Court below stating



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that no specific reasons have been given for re-opening the case and for recalling P.W.1, and the attempt of the defendant was only to drag on the proceedings. Therefore, the learned Judge had proceeded to dismiss the said applications.

4. Aggrieved by the same, the defendant/petitioner is before this Court.

5. In the course of the arguments, the learned counsel for the petitioner would submit that P.W.1 was to be cross-examined further with reference to the statement made by him during cross-examination that the defendant is his "pangali".

6. The above argument and also the reason given in the applications clearly indicate that there is no important question that has been left out, which is germane for deciding the issue on hand and as stated by the learned Judge, the filing of these I.As appears to be an attempt to protract the proceedings. This Court cannot be a party to such an action. I see no reason to interfere with the order passed by the learned Principal



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Subordinate Judge, Salem in dismissing the I.A.No.3 of 2024 and I.A.No.4 of 2024 in O.S.No.527/2017.

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7. These civil revision petitions are accordingly dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

26.03.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes / No
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To:

1.The Principal Sub Judge
Salem.

2.The Section Officer
VR Section, High Court, Madras.



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P.T. ASHA, J.

ds

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26.03.2025