



C.R.P.Nos.1554 &1556 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.Nos.1554 & 1556 of 2024

C.M.P.No.8363 of 2024

In Both C.R.P.'s:-

A.Balaji

...Petitioner

Vs

B.Mani

9...Respondent

PRAYER in C.R.P.No.1554 of 2024:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the Fair and Decreetal order passed in I.A.No. 2 of 2024 in O.S.No.10 of 2022 dated 01.04.2024 on the file of the Additional District Court, Arani, Tiruvannamalai by allowing the present Revision Petition.

PRAYER in C.R.P.No.1556 of 2024 :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the fair and decreetal order passed in I.A.No.3 of 2024 in O.S.No.10 of 2022 dated 01.04.2024 on the file of the Additional District Court, Arani, Tiruvannamalai.

In Both C.R.P.'s:-

For Petitioner : Mr.P.Satheesh Kumar

For Respondent : No Appearance



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COMMON ORDER

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Challenging the dismissal of the application filed by the plaintiff for reopening the case for adducing further evidence and for cross examination of D.W.1, the plaintiff is before this Court.

2.The plaintiff had filed a suit for specific performance against the respondent/defendant on the strength of an agreement of sale dated 24.02.2016. The defendant had taken a defence that the said agreement is nothing but a security that has been given for a sum of Rs.3,00,000/- received from one Ravi, the brother-in-law of the plaintiff. The respondent has also denied execution of the first and second agreements. After the closure of D.W.1's evidence and the matter was posted for arguments, the applications to reopen and recall the evidence of D.W.1 was filed. Though the respondent counsel has endorsed a no objection, however, the trial Court dismissed the applications. Aggrieved by the same, the petitioner is before this Court.

3.Heard the learned counsel for the petitioner and perused the records.



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4.The very perusal of the cross examination of D.W.1, it is seen that defendants had been cross examined from 10.10.2023 to 04.03.2024 exhaustively. In the affidavit filed in support of the reopen and recall petition the plaintiff would submit that D.W.1 has not been cross examined on the valid points based on sale agreements dated 14.02.2019 and 24.09.2019 and that the attestors of the agreements have not been examined. Such a statement has been made after the defendant's evidence had been closed, which itself had, spread over a period of five months. The application is nothing but an attempt to drag on the proceedings especially after the matter has been posted for judgment. In the cross examination on 31.10.2022 and 04.03.2024 questions have been asked extensively. Therefore, the said applications had been rightly rejected by the Court below. I see no reason to interfere with the same.

5.The Civil Revision Petitions are accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No



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Internet : Yes/No

Speaking Order/Non Speaking Order

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P.T.ASHA, J,

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To

The Additional District Court, Arani, Tiruvannamalai.

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