

C.R.P.Nos.3618 & 3619 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.Nos.3618 & 3619 of 2024

C.M.P.No.19653 of 2024

In Both C.R.P's:-

1.V.T.Lakshmikanthan

2.T.V.Natarajan

...Petitioners

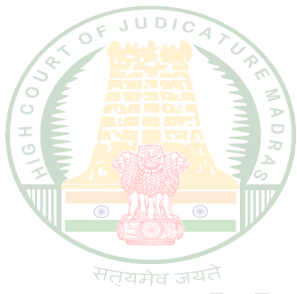
Vs

V.Lakshmi

...Respondent

PRAYER in C.R.P.No.3618 of 2024:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order and decree made in I.A.No.4 of 2023 in O.S.No.212 of 2015 on the file of the District Munsif, Katpadi, Vellore, Vellore District dated 15.06.2024.

PRAYER in C.R.P.No.3619 of 2024:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the order and decree made in I.A.No.5 of 2023 in O.S.No.212 of 2015 on the file of the District Munsif, Katpadi, Vellore, Vellore District, dated 15.06.2024.



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In Both C.R.P's:-

For Petitioners : Mr.K.A.Ravindran

For Respondent : Mr.P.Chandrasekar

ORDER

Challenging the dismissal of their application for reopening the plaintiff's side evidence and to recall P.W.1 for further cross examination, defendants are before this Court.

2.The short facts are that the respondent had filed a suit for declaration and permanent injunction against the revision petitioners. The suit was posted for defendant's side evidence on 09.06.2024, after the cross examination of the plaintiff's husband as P.W.1. It appears that the defendants who had filed written statement had cross examined the plaintiff witness P.W.1 and ultimately evidence of the plaintiff was closed. Then, the matter was posted for evidence of defendants on 09.06.2023. At this juncture the petitioners had come forward with these applications for reopening the evidence of the plaintiff and recalling P.W.1.



WEB COPY 3.The petitioners seek to file the above application on the ground that:-

- a)There was a pressing necessity to reopen the evidence of the plaintiff and to recall P.W.1.
- b)they have a good case to contest,
- c)The mistake is neither wilful nor wanton but on account of the reasons beyond the control of the petitioner
- d)petitioners shall be given one more chance to defend his case.

4.The respondent/plaintiff had filed a detailed counter setting out the conduct of the defendants. In the counter the plaintiff would submit that the plaintiff was examined as P.W.1 by filing her proof affidavit and thereafter the counsel for the petitioners/defendants had cross examined the plaintiff and plaintiff's side evidence was closed. Subsequently the defendants had been examined as D.W.1 and D.W.2 by filing the proof affidavit. The counsel for the respondent/plaintiff had cross examined D.W.1 in full and the suit is at the argument stage. The plaintiff would submit that these applications are made with the malafide intention and only attempts to protract the proceedings. The learned District Munsif, Katpadi, Vellore, after hearing the arguments proceeded to dismiss the



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applications. Aggrieved by which the defendants are before this Court.

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5.Heard Mr.K.A.Ravindran, the learned counsel for the petitioners and Mr.P.Chandrasekar, the learned counsel for respondent and perused the records.

6.Mere perusal of the impugned order would clearly demonstrate how the defendants had treated the procedure before this Court lightly and seek to have the impugned order set aside on the ground that by allowing the same no prejudice would be caused. A reading of the order would indicate that defendants had cross examined P.W.1 extensively and through P.W.1 had marked Ex.B1 to Ex.B3. It is seen that the matter had been posted for defendant's side evidence on fourteen occasions spread over nine months. Thereafter, defendants have filed a petition under order 8 Rule 1A(3) C.P.C to receive the documents and the same was numbered as I.A.No.2 of 2022 and was allowed on 11.07.2022. The first defendant was examined in chief by filing proof affidavit and Ex.B4 to Ex.B18 was marked through him. Later, the matter was adjourned on eight occasions for D.W.1's cross. Thereafter, D.W.1's cross examination got over on 30.11.2022 and the matter was posted for further defendant's



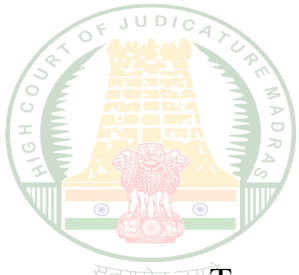
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side witness. At this juncture defendants have filed I.A.No.10 of 2023 to examine a third party one Srinivasan, son of Subramani as an additional witness on their side. This application was allowed on 09.01.2023 and Srinivasan was examined as D.W.2 on 31.03.2023 and no exhibits were marked and he was cross examined in full on 21.04.2023. The present application has been filed much after this. The District Munsif, Katpadi, Vellore, Vellore District has rightly rejected the applications in I.A.Nos.4 & 5 of 2023 in O.S.No.212 of 2015 and I see no reason to interfere with his order.

7. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.04.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep



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To
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The District Munsif, Katpadi, Vellore, Vellore District.

P.T.ASHA, J,

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