



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD).(MD).Nos.737 & 738 of 2020

and

C.M.P.(MD).No.4921 of 2020

C.R.P.(PD)(MD).No.737 of 2020

Daisy Angela

...Petitioner

Vs.

1.Masilamani Kannadhasan

2.Ganesan

3.Ramasubramanian

4.Life Insurance Corporation Housing Finance Limited,
Represented by its Divisional Manager

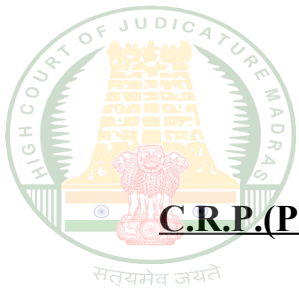
5.V.Rani Jeyanthi

...Respondents

(Respondent Nos.1 and 3 are given up in this Civil Revision Petition, since they have been set exparte before the lower Court)

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and executable order dated 07.07.2020 passed in the application in I.A.No.4 of 2019 in O.S.No.34 of 2012 on the file of the leaned Additional District Munsif, Ambasamuthiram.

For Petitioner : Mr.J.Barathan



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the fair and executable order dated 07.07.2020 passed in the application in I.A.No.5 of 2019 in O.S.No.34 of 2012 on the file of the leaned Additional District Munsif, Ambasamuthiram.

For Petitioner : Mr.J.Barathan

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COMMON ORDER

These petitions have been filed seeking orders to set aside the fair and executable order dated 07.07.2020 passed in the applications in I.A.Nos.4 and 5 of 2019 in O.S.No.34 of 2012 on the file of the leaned Additional District Munsif, Ambasamuthiram.



2. The learned counsel appearing for the petitioner would submit that the petitioner herein filed a suit in O.S.No.34 of 2012 before the learned Additional District Munsif, Ambasamuthiram, seeking declaration and permanent injunction. During the trial, D.W.1 to D.W.5 were examined on behalf of the respondents / defendants in chief and cross. Now, the fifth defendant, who herself was examined as D.W.6. In order to cross-examine D.W.6 effectively, it is essential to elucidate certain facts from the evidence of D.W.2 to D.W.4. Therefore, the petitioner herein filed an application in I.A.No.4 of 2019 to reopen the case in O.S.No.34 of 2012 and the petitioner herein filed another application in I.A.No.5 of 2019 to recall D.W.2 to D.W.4 and the same were dismissed on 07.07.2020 by the learned Additional District Munsif, Ambasamuthiram. Aggrieved by the same, the present Civil Revision Petitions have been filed.

3. This Court at the time of hearing, posed a question to the petitioner whether he prefers to pay cost to the official respondents, after taking leave of the Court and to recall the witnesses afresh.

4. The learned counsel appearing for the petitioner on instructions would submit that the petitioner is not willing to pay costs to the official respondents.



5. In view of the above, the Civil Revision Petitions stand dismissed. No costs. Consequently, the connected miscellaneous petition is closed. Since the suit is of the year 2012, the trial Court is directed to dispose of the suit in O.S.No.34 of 2012 within a period of six months from the date of receipt of a copy of this order.

11.06.2025

Internet:Yes/No
Index:Yes/No
TSG

To

- 1.The Additional District Munsif, Ambasamuthiram
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI, J.

TSG

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