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C.R.P.(PD)(MD)Nos.1933 and 1934 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.1933 and 1934 of 2025
and
C.M.P.(MD)No.11057 of 2025

S.Rajathi

... Petitioner in both petitions

Vs.

Ambrose

... Respondent in both petitions

COMMON PRAYER: Civil Revision Petitions - filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 02.04.2025 passed in I.A.No.4 of 2025 in O.S.No.618 of 2023 on the file of the Principal Sub Court, Nagercoil.

In both petitions:

For Petitioner : Mr.M.P.Senthil



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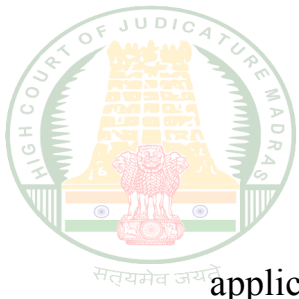
COMMON ORDER

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These Civil Revision Petitions are filed challenging the fair and decreetal orders dated 02.04.2025 and 09.04.2025 made in I.A.No.4 of 2025 in O.S.No.618 of 2023 on the file of the Principal Sub Court, Nagercoil.

2.The petitioner in both petitions is the defendant in O.S.No.618 of 2023 filed by the respondent herein for recovery of money to the tune of Rs.6,79,500/-. When the said suit was listed for defendant's side evidence, due to illness, the petitioner/defendant was not able to appear before the trial Court on that date. Hence, the trial Court closed the evidence on the side of the defendant. Thereafter, the petitioner filed an application in I.A.No.4 of 2025 for the purpose of reopening the defendant's side evidence. The trial Court has allowed the said petition on 02.04.2025 on condition to pay a sum of Rs.1,40,000/- on or before 09.04.2025. Challenging the order imposing costs on the petitioner, he has filed C.R.P.(MD)No.1933 of 2025.

3.Since the petitioner was not able to comply with the condition imposed by the trial Court within the time prescribed, he filed an application seeking extension of time. The trial Court refused to entertain the said



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application. However, the trial Court dismissed the petition on 09.04.2025 for non compliance of the condition imposed by the trial Court. Challenging the said dismissal order, the petitioner has filed C.R.P.(MD)No.1934 of 2025.

4.The learned counsel for the petitioner fairly submits that since the trial Court directed the petitioner to pay the a sum of Rs.1,40,000/- within a very short period, he was not able to pay the same within the said period. Now, the petitioner is ready to deposit a sum of Rs.1,40,000/- as directed the trial Court within the time fixed by this Court. Further, he seeks a direction to the trial Court to permit the petitioner to examine witnesses on his side within the reasonable time.

5.Since no adverse order is going to be passed as against the respondent in both petitions, notice to the respondent is dispensed with.

6.Considering the facts and circumstances of the case and also considering the submission made by the petitioner that he himself is ready to deposit a sum of Rs.1,40,000/-, this Court is inclined to dispose of these Civil Revision Petitions in the following terms:



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(i)The order dated 09.04.2025 dismissing the petition for reopening the evidence on the side of the defendant passed by the trial Court is hereby set aside.

(ii)The petitioner is directed to deposit a sum of Rs.1,40,000/- (Rupees One Lakh Forty Thousand Rupees only) before the trial Court within a period of two weeks from the date of receipt of a copy of this order.

(iii)On such deposit, the trial Court is directed to permit the petitioner to examine himself or other witnesses, if any, as defense side witness by fixing the reasonable outer time limit for completion of defense side witness.

(iv)The trial Court is directed not to disburse the amount deposited by the petitioner till the disposal of the suit.

7.Accordingly, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.07.2025

NCC : Yes/No

Internet : Yes / No

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Note: Issue order copy on 22.07.2025



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To

- 1.The Principal Sub Court, Nagercoil.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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