



C.R.P(MD)No.2852 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.01.2025**

CORAM

**THE HON'BLE MRS.JUSTICE K.GOVINDARAJAN
THILAKAVADI**

**C.R.P(MD)No.2852 of 2024
and
C.M.P(MD)No.16288 of 2024**

Laila

... Petitioner

Vs.

1.VArjunan Bala Prajapathy @ Guru

2.Murugesan

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records pertaining to the order in I.A.No.7 of 2024 in O.S.No.22 of 2015, dated 16.10.2024 on the file of the learned Additional District Judge, Kuzhithurai and set aside the same.

For Petitioner : Mr.S.Stevenson
for Mr.S.Rajasekar

For R-1 : No appearance

For R-2 : Mr.N.S.Ramakrishnadass



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ORDER

The present Civil Revision Petition is preferred against the order passed in I.A.No.7 of 2024 in O.S.No.22 of 2015, dated 16.10.2024 on the file of the Additional District Court, Kuzhithurai.

2. The petitioner as plaintiff filed the above suit for damages. During the course of trial, the petitioner took out an application in I.A.No.7 of 2024 to reopen the plaintiff's side evidence for further evidence. Since the said application was resisted on the side of the respondent / defendant, the Trial Court by its impugned order, dated 16.10.2024 dismissed the said application stating that the suit is pending for more than five years and the reason attributed in the supporting affidavit is not sufficient for reopening the plaintiff side evidence. Assailing the said order, the present revision is preferred.

3. The learned Counsel appearing for the revision petitioner submits that in order to prove his case, further examination of witness is required and therefore, the Trial Court ought to have considered the said



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application but erroneously dismissed the same. Moreover, seeks for a direction to the Trial Court to dispose the matter within a period of four months.

4. On the other hand, the learned Counsel appearing for the respondents / defendants objected the said revision petition on the ground that it is only a delay tactics.

5. Heard the learned Counsel for the petitioner and the learned Counsel for the second respondent and perused the materials available on record.

6. Considering the submissions made on either side and in the interest of justice, the present revision petition is allowed with a direction to the Trial Court to permit the revision petitioner to examine the witness further, to reopen the plaintiff side evidence and complete the trial within a period of four months from the date of receipt of a copy of this order without giving any unnecessary adjournments. The petitioner is also directed to produce the witness on or before **03.02.2025** and shall



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complete the same within a period of one week, thereafter.

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7. With the above observation, this revision petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

22.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

The Additional District Judge,
Kuzhithurai.

Note: Issue order copy on 23.01.2025.



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K.GOVINDARAJAN THILAKAVADI, J.

BTR

Order made in
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22.01.2025