

Ramakrishnan Vs. Ramadhas

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Court : Chennai

Decided On : Jan-09-2013

Judge : G.Rajasuria

Appellant : Ramakrishnan

Respondent : Ramadhas

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:

09. 01/2013 CORAM THE HONOURABLE MR.JUSTICE G.RAJASURIA C.R.P.(NPD)(MD)No.51 of 2013 and C.R.P.(NPD)(MD)No.52 of 2013 C.R.P.(NPD)(MD)No.51 of 2013 Ramakrishnan ... Petitioner/Petitioner/ Plaintiff Vs Ramadhas ... Respondent/Respondent/ Defendant Prayer Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A.No.1173 of 2012 in O.S.No.441 of 2005 dated 02.11.2012 on the file of the Principal District Munsif, Nagercoil. C.R.P.(NPD)(MD)No.52 of 2013 Ramakrishnan ... Petitioner/Petitioner/ Plaintiff Vs Ramadhas ... Respondent/Respondent/ Defendant Prayer Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed in I.A.No.1174 of 2012 in O.S.No.441 of 2005 dated 02.11.2012 on the file of the Principal District Munsif, Nagercoil. !For Petitioner ... Mr.RM.Sivakumar in both cases ^For Respondent ... Mr.G.Prabhu Rajadurai in both cases * * * * * :COMMON ORDER C.R.P.(MD) No.51 of 2013 has been filed to get set aside the order dated 02.11.2012 passed in I.A.No.1173 of 2012 in O.S.No.441 of 2005, by

the learned Principal District Munsif, Nagercoil.

2. C.R.P.(MD) No.52 of 2013 has been filed to get set aside the order dated 02.11.2012 passed in I.A.No.1174 of 2012 in O.S.No.441 of 2005, by the learned Principal District Munsif, Nagercoil.

2. Heard both sides.

3. A recapitulation and re'sume' of facts absolutely necessary and germane for the disposal of the Civil Revision Petitions would run thus: The grievance of the plaintiff as aired by the learned Counsel for the revision petitioner is that I.A.Nos.1173 and 1174 of 2012 were filed for getting the case re-opened i.e the trial re-opened and for further cross-examination of D.W.1 touching upon the facts set out in the replication, so to say, the reply given to the written statement. According to the plaintiff, a complaint was lodged as against the defendant concerning the land grabbing incident and the cross examination of D.W.1 was not addressed on that aspect. Accordingly the learned Counsel for the revision petitioner would pray for further opportunity to cross-examine D.W.1.

4. Whereas the learned Counsel for the respondent/defendant would oppose the said applications.

5. The point for consideration is as to whether there is any illegality in the order passed by the lower Court? The Point:

6. The lower Court in its reasoned order clearly highlighted that on previous occasions i.e thrice the matter got reopened and opportunities were given to adduce evidence on the plaintiff's side by the plaintiff and the Court also observed that the plaintiff and the defendant adduced their oral and documentary evidence in "sufficient manner". The Court thought fit it not to reopen the matter and recall D.W.1.

7. I am at loss to understand and also there is no knowing of the fact as to how the plaintiff can, in the suit of the year 2005 at the argument stage, simply come forward and say that the cross-examination was not adequately conducted as against D.W.1, touching upon the replication/rejoinder. A litigant is expected to be

diligent in the litigative process. To say that the plaintiff did not cross-examine D.W.1 relating to land grabbing incident, is nothing but, trying to put the horse behind the cart. As such, such protraction of the proceedings cannot be countenanced. The affidavit accompanying the petition is silent as in what way further cross-examination would improve the case of the plaintiff. The lower Court correctly passed the reasoned order warranting no interference in revision. The point is answered accordingly.

8. Accordingly, these Civil Revision Petitions are dismissed. No costs. ssl To The Court of Principal District Munsif, Nagercoil.

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