

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)Nos.2489 & 2490 of 2015 &

M.P.No.1 of 2015 in

C.R.P.(PD)No.2489 of 2015

Durai @ C.S.Natarajan (died)

1.Saraswathi

2.Kamalakannan

... Petitioner in both CRPs

v.

K.Rathnamala

... Respondent in all CRPs

Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order dated 07.03.2015 made in I.A.Nos. 168 and 235 of 2015 in O.S.No.2550 of 2006 on the file of III Additional District Munsif Court, Coimbatore.

For Petitioners : Mr. Vinothkumar

COMMON ORDER

Challenging the fair and final orders passed in I.A.Nos. 168 and 235 of 2015 in O.S.No.2550 of 2006 on the file of III Additional District Munsif Court, Coimbatore, the plaintiffs have filed the above Civil Revision Petitions.

2. The plaintiffs filed the suit in O.S.No.2550 of 2006 for permanent injunction. The defendant filed her written statement and is contesting the suit. The suit was filed in the year 2006 itself. The trial of the suit was commenced in the year 2009. After the completion of the oral evidence on the side of the plaintiffs and the defendant and when the suit was posted for arguments, the plaintiffs filed the applications in I.A.Nos. 168 and 235 of 2015 to reopen the case for letting in oral evidence and to permit them to file additional documents. In the affidavit filed in support of the applications, the plaintiffs have stated that by oversight they omitted to mark some documents in the suit on their side and therefore, the case has to be reopened for the purpose of marking additional documents. The applications were contested by the defendant stating that the applications were filed at a belated stage and after getting several adjournments and also after the completion of the oral evidence, when the suit was posted for arguments, the plaintiffs have filed these applications to reopen and to mark the additional documents.

3. The Trial Court, after taking into consideration the case of both the parties, dismissed the applications on payment of cost. In paragraph No.6 of the order, the Trial Court rightly observed that in spite of availing sufficient opportunities from the year 2009, the plaintiffs have filed the present applications to reopen and to produce the additional documents in the year 2015.

4. The suit is pending for more than 9 years and trial had commenced in the year 2009 itself and ever after a lapse of 9 years, the trial is yet to be completed. The filing of the present applications by the plaintiffs clearly establish that the applications were filed only to drag on the matter. Taking into consideration all these aspects, the Trial Court has rightly dismissed the applications.

5. In these circumstances, I do not find any reason to interfere with the orders passed by the Trial Court. The Civil Revision Petitions are devoid of merits and are liable to be dismissed. Since the suit is pending from 2006, I direct the III Additional District Munsif Court, Coimbatore to dispose of the suit in O.S.No.2550 of 2006 on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petitions are dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes

23.07.2015

Rj

To

III Additional District Munsif Court,
Coimbatore,

M. DURAISWAMY,J.,

Rj

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