

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.2118 of 2015
and M.P.No.1 of 2015

Raju

... Petitioner

Vs.

1.Rangasamy

2.Dhanalakshmi

3.Perumalsamy

4.Ramayal

5.Rukmani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 08.04.2015 in I.A.No.516 of 2013 in O.S.No.119 of 2004 on the file of the Sub Court, Gobichettipalayam.

For Petitioner : Mr.L.Mouli

ORDER

Challenging the fair and final order passed in I.A.No.516 of 2013 in O.S.No.119 of 2004 on the file of the Sub Court, Gobichettipalayam, the 2nd

defendant has filed the above Civil Revision Petition. The plaintiffs filed the suit in O.S.No.119 of 2004 for partition and other reliefs. The said suit is being contested by the defendants on various grounds.

2. When the suit was taken up for trial, the 2nd defendant filed an application in I.A.No.516 of 2013 to re-open the case, which was reserved for judgment, for the purpose of filing a counter claim. Though the suit was filed in the year 2004 and the written statement was also filed in the same year, the present application was filed, after a lapse of more than 8 ½ years, seeking permission of the Court to file a counter claim, that too, when the suit was reserved for judgment. Based on the available pleadings, the parties went into the box and let in oral and documentary evidences. Thereafter, the trial Court reserved the matter for judgment and at that stage, the present application has been filed. The 2nd defendant has not explained the reasons for not filing the application at the earliest point of time. The laches in filing the present application was not properly explained by the 2nd defendant in the application. Taking into consideration all these aspects, the trial Court has rightly dismissed the application.

3. In these circumstances, I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of

merits and is liable to be dismissed. Accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

08.06.2015

To

The Sub Court,
Gobichettipalayam.

M.DURAIWAMY,J.
va

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