

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2015

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

C.R.P.(PD).No.4350 of 2015
and M.P.No.1 of 2015

Ramalingam

.. Petitioner

Vs.

1.The Deputy Superintendent of Police
Economic Offences Wing
Tiruchirappalli.

2.Sundarrajan

3.Jothivel

4.Ravichandran

5.Kannusamy

6.The Joint Commissioner

HR & CE

Thanjavur Town

7.The Executive Officer

A/M Vedaraneswar Temple

Vedaranyam Town

Nagapattinam District

.. Respondents

Prayer:- Civil Revision Petition filed under Section 227 of the Constitution of India against the order dated 13.07.2015 passed in I.A.NO.191 of 2015 in O.S.No.19 of 2010 on the file of District Munsif Court cum Judicial Magistrate Court, Vedaranyam.

For Petitioner : Mr.K.Govi Ganesan

ORDER

Heard both sides.

2. This Civil Revision Petition has been filed challenging the impugned order passed in I.A.No.191 of 2015 in O.S.No.19 of 2010 on the file of District Munsif Court cum Judicial Magistrate Court, Vedaranyam, dated 13.07.2015, stating that the petitioner/plaintiff has not complied with the conditional order passed in I.A.No.169 of 2015.

3. At the time of admission, arguments of the learned counsel for the petitioner is heard in length.

4. The petitioner as plaintiff filed the suit in O.S.No.19 of 2010 for bare injunction. The petitioner is the tenant under the 7th defendant viz., Executive Officer, Vedaranyam Temple. It is seen that already plaintiff/petitioner side evidence was over. On the side of defendants also, the Temple Authority has been examined as D.W.1. However, the Temple Authority was not cross-examined and therefore, the petitioner filed application in I.A.No.169 of 2015 under Order 18 Rule 17 of the C.P.C., permitting him to cross

examine D.W.1. That application was allowed on 6th July 2015 with a direction that D.W.1 has to appear before the court on 13.07.2015 and on that date, the plaintiff/petitioner has to cross-examine the said witness. The direction issued by the trial court has not been followed by the petitioner/plaintiff. However, the petitioner/plaintiff again filed I.A.No.191 of 2015 seeking 10 days time to cross examine D.W.1. In the said application, it was observed that since the petitioner/plaintiff has not complied with the order of the Court in I.A.No.169 of 2015, the application in 191 of 2015 has been dismissed. Even though the petitioner herein has stated that since he was suffering from chest pain for several years, he has filed the application in I.A.No.191 of 2015 seeking time, the said aspect has not been considered by the court below and erroneously dismissed his petition, it is seen that the petitioner/plaintiff has not filed any document to show that he had no malafide intention to protract the proceedings. In such view of the matter, rightly, the trial court has considered the aspect of delay and passed the order in I.A.No.191 of 2015. In view of the foregoing discussion, I find no reason to interfere with the impugned order.

R.MALA,J.

nvsri

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

17.12.2015

nvsri

To

- 1.The Joint Commissioner
HR & CE
Thanjavur Town
- 2.The Executive Officer
A/M Vedaraneswar Temple
Vedaranyam Town
Nagapattinam District
- 3.The District Munsif Court cum Judicial Magistrate Court,
Vedaranyam.

C.R.P.(PD).No.4350 of 2015