

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) No.659 & 2015 & M.P.No.1 of 2015
& C.R.P.(PD).No.660 of 2015

Ramu ... Petitioner in both CRPs
 Vs.

1.Dhesiyalagan
 2.Muthulakshmi ... Respondents in both CRPs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order of the Subordinate Judge's Court at Kallakurichi, dated 26.06.2014 in I.A.No.774 & 775 of 2013 respectively in O.S.No.106 of 2010.

For petitioner : Mr.P.Valliappan
 For respondents : Mr.R.Balakrishnan

ORDER

These civil revision petitions arise out of the order dated 26.06.2014 passed by the Subordinate Judge's Court at Kallakurichi, in I.A.No.774 & 775 of 2013 in O.S.No.106 of 2010.

2. The first respondent had instituted a suit in O.S.No.85 of 2004 before the Principal District Court, Villupuram, against the petitioner and the second respondent for specific performance. Subsequently, the suit was transferred to Kallakurichi and re-numbered as O.S.No.106 of 2010.

3. The petitioner filed two applications in I.A.Nos.774 of 2013 & 775 of 2013 to reopen the case and send for a document from the bank. The applications were resisted by the respondents stating that the suit was instituted in the year 2004 and after examination of defendant side witnesses, the suit was posted for argument on 12.02.2010 and the plaintiff had also concluded his argument on 17.02.2010. Thereafter, the defendant filed I.A.Nos.71 of 2010, 72 of 2010 & 73 of 2010 to reopen, recall and receive the additional documents. The learned District Judge, dismissed the applications on 05.03.2010.

4. These civil revision petitions filed by the defendant in CRP (PD).No.1491 to 1493 of 2010 were dismissed by this Court on 25.06.2013. The trial Court dismissed the application. Aggrieved by the order, the present civil revision petition is filed.

5. Heard Mr.P.Valliappan, learned counsel for the petitioner and Mr.R.Balakrishnan, learned counsel for the respondents and perused the records.

6. It is seen that the respondent had instituted the suit in the year 2004 and the evidence of the plaintiff and the defendants was over in the year 2010. The plaintiff has also argued his case on 17.02.2010. The applications filed by the defendant in the year 2010 to reopen the case and to receive additional

documents were also dismissed by the trial court which was confirmed by this Court. Long after dismissal of the earlier applications, the present petitions are filed, when the suit was posted for arguments of the defendant. The trial Court rightly dismissed the applications as they were filed at the belated stage and with malafide intention. Hence, I do not find any merit in this civil revision petition.

In the result, the civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

02.03.2015

Index : Yes/No
Internet: Yes/No
sms
To
The Subordinate Judge's Court at Kallakurichi.

K.KALYANASUNDARAM,J

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