



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23/2/2015

C O R A M

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD(MD) No.321 of 2015
and MP(MD)No.1 of 2015

WEB COPY

1. The President
Maramadakki Panchayat Union
Maramadakki.

2. The Commissioner
Aranthangi Panchayat Union
Aranthangi.

...Petitioners/Petitioners 1 & 2/
Defendants 1 & 2

Vs.

1. Manivel

2. Ganesan

..Respondents 1 & 2/Respondents 1 & 2/
Plaintiffs 1 & 2

3. Muthukumaravelu

4. Van Arasu @ Anandan

..Respondents 3 & 4/Petitioners 3 & 4/
Defendant 3 & 4

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 5/9/2014 made in I.A.No.706 of 2014 in O.S.No.139 of 2007 on the file of the District Munsif, Aranthangi.

For petitioners

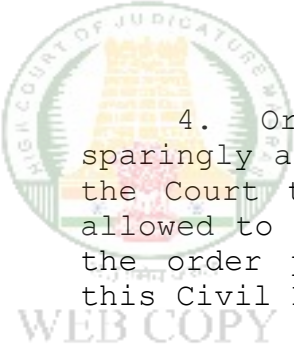
... Mr.R.Anandharaj

O R D E R

The second defendant in the suit has filed this petition to reopen the case for the purpose of defendants side witness. The defendants side evidence was closed on 11/8/2014 and the case is posted for arguments. The said application was dismissed. Aggrieved by the said order, the defendants had filed this Civil Revision Petition.

2. In the affidavit filed in support of this petition, the petitioners had not even mentioned any reason for which they are seeking to reopen the case. Though the learned counsel for the petitioners submit that they had got documents for the last 30 years to evidence that the suit property was in the possession of the Panchayat, the same could have been marked when the defendants were examined.

3. The second defendant also has not filed any independent written statement but had adopted the written statement of the first defendant. Earlier, there was an application in I.A.No.803 of 2013 for reopening of the defendants side witness and the same was allowed on 12/2/2014. Despite several opportunities have been given to the second defendant, he had not appeared before the Court. He has also not stated any valid reasons for reopening the case, after the same was posted for arguments. Therefore, the learned District Munsif, Aranthangi had rightly dismissed the application.



4. Order 18 Rule 17 of the Code of Civil Procedure has to be used sparingly and the same cannot be used for the sake of asking. It enables the Court to clear any ambiguity in the matter and the same cannot be allowed to be misused. Therefore, there is no infirmity or illegality in the order passed by the learned District Munsif, Aranthangi and hence this Civil Revision Petition deserves to be dismissed.

5. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

The District Munsif, Aranthangi.

+1CC to M/s.R.Anandha Raj, Advocate in SR.8806

C.R.P.NPD (MD) No.321 of 2015

23/2/2015

mvs

PBK 02/03/2015 ::2P-3C: