



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2015

CORAM:

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .Nos.346 and 347 of 2015

and

M.P. (MD) .Nos.1 & 1 of 2015

WEB COPY

1.C.Ramasamy

2.R.Ramasamy

... Revision Petitioners in both C.R.Ps

vs.

N.Palaniappan

... Respondent in both C.R.Ps

COMMON PRAYER: The Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order and decretal order dated 24.11.2014 made in I.A.Nos.1070 and 1069 of 2014 in O.S.Nos.476 and 612 of 2011 on the file of the Additional District Munsif Court, Karur.

For Petitioner : Mr.V.Sitharanjandas

COMMON ORDER

The defendants 1 and 2 are the revision petitioners challenging the order refusing to reopen the case on the side of the plaintiff for the purpose of advancing further argument.

2.Admittedly, the case is posted for judgement. According to the revision petitioners, some important aspects in the case were omitted to be argued on their side, which are very vital and important to prove their case. Therefore, the petitioners/defendants had filed to reopen the above case.

3.In the affidavit, it is not even stated that whether such pleading is taken in the plaint. Admittedly, there is no issue framed on that aspect. In the affidavit, it was also specifically noted that some important aspects were omitted to be argued. The suit is heard in length, orders were reserved on 13.08.2014. Thereafter, they have filed a frivolous petition, to reopen the suit for further arguments and if it is allowed, it would cause serious prejudice to the plaintiff. The petitioners, who have not been vigilant enough to put-forth all the points in their favour before the Court, cannot take advantage of their



own mistake after this length of time. The learned Additional District Munsif, Karur has rightly dismissed the application as it is only the delaying tactics, adopted by the defendant. Therefore, there is no infirmity or irregularity in the order passed by the learned Additional District Munsif, Karur, which warrants no interference by this Court.

In the result, the Civil Revision Petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(Per.Admn.)

/TRUE COPY/

Sub Assistant Registrar

To
The Additional District Munsif,
Karur.

+2ccs to Mr.V.Sitharanjandas,Advocate, SR.Nos.8978 & 8977

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