



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2015

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.660 of 2015 (PD)

and

M.P. (MD) .No.1 of 2015

Devadunai Nadar (Died)

1.Sundarraaj

2.David Muthiah

3.Selvadasan

... Petitioners/Plaintiff

vs.

Kovilpillai Ammal

... Respondent/Defendant

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order passed in I.A.No.199 of 2015 in O.S.No.21 of 1996 dated 09.03.2015 on the file of the District Munsif-cum-Judicial Magistrate, Cheranmahadevi.

For Petitioner : Mr.J.Ashok for M/s.Jeyapaul Associates

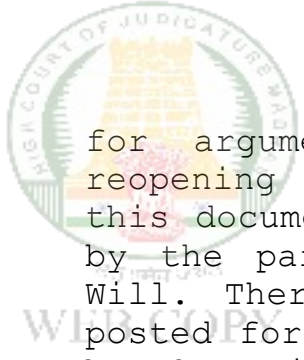
O R D E R

The plaintiffs are the petitioners in the civil revision petition.

2.The civil revision petition is directed against the order of dismissing to reopen the suit, which is now posted for argument.

3.The suit is filed for declaration and for recovery of money. An application was filed by the plaintiffs to mark the Will dated 26.12.1991, which has been left out to be marked in the suit. As the Will is very important for the decision of the case, the plaintiff had filed an application to reopen the suit. The said application was dismissed. Against which, the revision has been filed.

4.The suit is of the year 1996 and the Will is dated 26.12.1991. The suit has been pending for more than 1 ½ decades and it is not stated that the plaintiff got the knowledge of the Will only very recently. Having filed the suit in the year 1996 and had kept quite till completion of trial and when it is posted



for argument, the plaintiff cannot seek any indulgence for reopening the case at the fag end. The reasons for not marking this document earlier is also not acceptable. It is also admitted by the parties that they are not claiming any right under the Will. Therefore, marking the document only after the matter is posted for argument with inordinate delay, is dismissed correctly by the trial Court and the same does not warrant interference by this Court.

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

Sd/-

Assistant Registrar(A.E.,)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif-cum-Judicial Magistrate, Cheranmahadevi.

+1cc to Mr.J.Ashok, Advocate, in SR. No.16256/15.

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