

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 27.04.2016

**CORAM:**

**THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR**

**CRP. PD No. 2246 of 2007**  
**and**  
**M.P. No.1 of 2007**

V. Sharmila Devi

.. Petitioner

Vs

1. P.K. Kumarasamy  
Rajamanickam (died)
2. Sundaravalli
3. The District Educational Officer  
Tirupathur.
4. The Assistant Educational Officer  
Jolarpettai
5. The District Elementary Educational  
Officer, Vellore
6. Kanchana
7. Karuna
8. Prema
9. Savithri
10. Thamaraiselvi

.. Respondents

**PRAYER:** Civil Revision Petition is filed under Article 227 of Constitution of India, against the order passed in I.A. No.549 of 2007 in O.S. No.341 of 1999 dated 24.07.2007 passed by the learned District Munsif Court, Tirupathur.

For Petitioner : Mr. R. Subramanian  
For Respondents : Mr. V. Jeeva Giridhar for R1  
No appearance for R2 to R5  
and R7 to R10  
R-6 Dismissed

### **ORDER**

This Civil Revision Petition arises against the order passed in I.A. No.549 of 2007 in O.S. No.341 of 1999 dated 24.07.2007 by the learned District Munsif Court, Tirupathur.

2. The Revision petitioner filed a suit in O.S. No.341 of 1999 on the file of the District Munsif, Thirupathur seeking for permanent injunction, restraining the defendants therein, from making any claim of the benefits of the deceased R. Vijayakumari. The trial commenced and evidences of the revision petitioner/ plaintiff was let in and subsequently recording of

evidences were closed. Since the Revision petitioner had to examine some more witnesses, an Interlocutory Application in I.A. No.549 of 2007 was filed, seeking to re-open the case and permit her to examine further witnesses. Learned District Munsif, Thirupathur dismissed the Interlocutory Application on 24.07.2007, holding that the same is not maintainable. Hence, this Civil Revision Petition is filed.

3. According to the learned counsel for the Revision petitioner, when the evidence on the side of the respondents/defendants was over, the case was posted for arguments before the Trial Court. Under such circumstances, the petitioner filed the aforesaid Interlocutory Application seeking to record the evidence. But, the trial court refused to entertain the same and dismissed the Interlocutory Application.

4. Learned counsel for the 1<sup>st</sup> respondent submitted that the plaintiff did not produce any witnesses for four hearings from 12.06.2007 to 02.07.2007 inspite of the condition imposed by the lower court and only after the case was posted for

arguments, the revision petitioner filed the Interlocutory Application seeking to reopen the case. Hence, the trial court has rightly dismissed the Application.

5. Heard Mr.R. Subramanian, learned counsel for the petitioner and Mr. V. Jeeva Giridhar, learned counsel for the first respondent and perused the material available on records.

6. On perusal of the records, it is found that the revision petitioner has filed the Interlocutory Application in I.A. No. 549 of 2007 in O.S. No. 341 of 1999 before the District Munsif, Thirupathur, to re-open the case in order to produce witnesses in support of the plaintiff's case. In the order impugned herein, it has been clearly stated that the petitioner has not produced any witnesses for hearing from 12.06.2007 to 02.07.2007. The trial court has also held that the case has been posted for arguments after evidence on the side of the plaintiff and on the side of the defendant have been closed. Therefore, the Trial Court has come to a right conclusion and dismissed the Interlocutory Application.

7. In view of the above, this Court is not inclined to interfere with the orders passed in I.A. No. 549 of 2007 in O.S. No. 341 of 1999 dated 24.07.2007 on the file of the District Munsif, Thirupathur and hence the same is hereby confirmed. The Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**27.04.2016**

Index: Yes/ No

avr

To

The District Munsif Court,  
Nagapattinam.

**D. KRISHNAKUMAR J.,**

avr

**CRP PD No. 2246 of 2007**  
**and**  
**M.P. No.1 of 2007**

**27.04.2016**

