

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.121 of 2016
and C.M.P.No.677 of 2016

Krishnan

... Petitioner

Vs.

1.C.Balakrishnan
2.B.Gopi
3.B.Srinivasan
4.C.Venkataraman
5.Arumugam
6.V.Thiyagarajan
7.V.Padmanabhan
8.Sanjeeviammal
9.Janakiraman
10.Venugopal
11.Mahalingam

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 09.04.2015 made in I.A.No.129 of 2015 in O.S.No.13 of 2011 on the file of the Subordinate Court, Tiruvallur.

For Petitioner : Mr.M.P.Saravanan

ORDER

This Civil Revision Petition was filed on 10.10.2015 with some defects. After the Registry pointed out the defects, it was taken back and re-presented with same defects and at last, it came to be numbered on the 4th re-presentation on 04.01.2016. Thereafter, twice the matter appeared in the list, 'for admission' and the counsel for the petitioner was not ready. On the request of the counsel for the petitioner, the matter was adjourned.

2. Today also, the learned counsel for the petitioner sought an adjournment, but this Court declined the request. The arguments advanced by Mr.M.P.Saravanan, learned counsel for the petitioner are heard. The grounds of revision and the copies of documents produced in the form of typed set of papers also perused.

3. The suit OS.No.13 of 2011 came to be filed in the trial court not only by the revision petitioner, but by four more persons, who figured as plaintiffs 1 and 3 to 5. All the five plaintiffs chose to file IA.No.129 of 2015 for reopening the case when the evidence of both sides had been completed and the case stood posted for hearing arguments. In fact, the arguments advanced on the side of the defendants were heard and at that point of time, the plaintiffs chose to file the above said application IA.No.129 of 2015 for reopening the case. It is ascertained from the submissions made by the learned counsel for the petitioner that the petitioners filed another application for impleading two more persons as party-defendants. The learned trial judge chose to hold the same to be an attempt made by the plaintiffs to prolong the case as long as possible. Accordingly, the learned trial judge dismissed the application for reopening, filed as IA.No.129 of 2015 by order dated 09.04.2015. As against the said order, the present Civil Revision Petition has been filed.

4. Though the petition was filed by all the five plaintiffs, the 2nd plaintiff alone has chosen to file the present revision. The other plaintiffs have been shown as party-respondents and they have been arrayed as respondents 8 to 11. As suit came to be filed by five plaintiffs, the very fact that the 2nd plaintiff as alone has chosen to file the revision making the other plaintiffs as respondents shows that

the intention is to prolong the case as long as possible. The order of the trial court dismissing the petition holding the same to be an attempt to delay the final disposal and prolong the case, cannot be found fault with. The petitioner along with the respondents 8 to 11, who figured as plaintiffs 1 to 5, chose to file another petition for impleading third parties as party-defendants in the suit and the same is projected as the ground for seeking reopening of the case. The very method adopted by the plaintiffs in the suit is so ingenuous, which could even be considered to be an abuse of process of Court. There is no merit in the revision and the same deserves dismissal at the threshold.

Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

17.02.2016

Index : Yes
Internet : Yes
gya

To
The Subordinate Judge,
Tiruvallur.

P.R.SHIVAKUMAR, J.

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