

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1650 of 2016
and C.M.P. No.8909 of 2016

1.Tamilarasi @ Kuppulkshmi
2.Jothi Arumugam

... Petitioners

vs

1.Nataraj
2.Prabhu

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 17.03.2016 made in I.A. No.142 of 2016 in O.S. No.306 of 2012 on the file of the learned II Additional District Munsif Court, Erode.

For Petitioners : Mr.N.Manokaran

For respondents : Mr.A.K.Kumarasamy

ORDER

This revision challenges the order of learned learned II Additional District Munsif Court, Erode, passed in I.A. No.142 of 2016 in O.S. No.306 of 2012 on 17.03.2016.

2. Heard learned counsel for petitioners and learned counsel for respondents.

3.The petitioners are the plaintiffs in the suit and sought declaration of injunction. They moved I.A. No.142 of 2016 in O.S. No.306 of 2012 seeking to amend the plaint. Such application was dismissed.

4.In dismissing such application, the Court below took note of the position that the suit has been adjourned at the stage of arguments as many as on five occasions and the case listed for hearing had been adjourned over a period of one year and thereafter a petition for amendment of the plaint has been allowed on 11.10.2013; Examination of the plaintiffs' was commenced on 07.01.2014 and completed on 16.10.2015. Defendants' evidence was completed on 10.12.2015; Case was posted for arguments on 15.12.2015, when the defendants moved an application to recall of P.W.1, it was allowed, thereafter the case was again posted on 11.01.2016, when an application for cross-examination of P.W.1 was allowed. Thereafter the case was again posted on 28.01.2016 for arguments. An application for appointing Advocate Commissioner was moved and such application was dismissed on 12.02.2016 and the case was again posted for arguments on 16.02.2016. Further application to amend the suit was dismissed on 26.02.2016 and the case was

again posted for arguments on 02.03.2016. At such stage petitioners have moved this petition. In such circumstances, the Court below rightly has dismissed the application. This Court finds no reason to interfere with the order under challenge.

5.The Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

13.06.2016

Index:yes/no
Internet:yes
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To

The II Additional District Munsif Court, Erode.

C.T.SELVAM, J

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