

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.3580 OF 2016
AND CMP NO.18284 OF 2016

1.Pattammal
2.S.Dhakshinamoorthy

... Petitioners

Versus

1.Ashok Kumar
2.Karunadevi
3.Nagarajan
4.Shanthakumari

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.No.247 of 2015 in O.S.No.195 of 2013 dated 06.06.2015 on the file of the learned Principal District Munsif Court at Chidambaram.

For Petitioners : Mr.R.Sagadevan

For Respondents : Mr.A.Muthukumar

ORDER

This Civil Revision Petition is directed against the order dated 06.06.2015 in I.A.No.247 of 2015 in O.S.No.195 of 2013, whereby and whereunder, the learned Trial Judge dismissed the application filed by the petitioners to receive reply statement along with the documents.

2. According to the petitioners, in view of the denial by the respondents of the case pleaded by the petitioners that they are in possession of the property, the petitioners were compelled to produce certain documents along with reply statement. The learned Trial Judge without considering the factual matrix, dismissed the application.

3. The learned counsel for the respondents on caveat submitted that with respect to the order dated 06.06.2015 in I.A.No.247 of 2015, the petitioners earlier filed a Civil Revision Petition, before this Court, along with an application to condone the delay. The said application was dismissed by this Court. The factum of dismissal of the earlier Civil Revision Petition has not been disclosed by the petitioners in the present Civil Revision Petition.

4. The learned counsel for the petitioners thereafter submitted that this Court permitted the petitioners to file a fresh Civil Revision Petition after obtaining certified copy of the order.

5. The petitioners nowhere disclosed the factum of filing a Civil Revision Petition earlier, along with an application to condone the delay. The very same counsel, who filed this Civil Revision Petition, earlier filed a Civil Revision Petition, challenging the order in I.A.No.247 of 2015. Even while advancing his arguments, the learned counsel for the petitioners failed to disclose the factum of dismissal of the earlier proceedings it was only the learned counsel for the respondents pointed out the said fact. I do not approve the manner in which the present Civil Revision Petition is filed by the very same counsel, without disclosing the dismissal of the earlier Civil Revision Petition, in which he appeared for the petitioners.

6. Since this Court had already dismissed the application filed by the petitioner to condone the delay in filing the Civil Revision Petition challenging the order dated 06.06.2015 in I.A.No.247 of 2015, there is no question of entertaining another Civil Revision Petition, by producing a fresh certified copy of the order. I am therefore of the view that the present Civil Revision Petition is not maintainable.

7. In the upshot, I dismiss the Civil Revision Petition. No costs. Consequently, connected civil miscellaneous petition is closed.

21.11.2016

TK

To

The Principal District Munsif Court
Chidambaram.

K.K.SASIDHARAN, J.

TK

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