

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2016

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3779 of 2016
and C.M.P.No.19257 of 2016

Ramasamy ... Petitioner

Vs.

1. Marappan
2. Chinnusamy
3. Kalianna Gounder ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 03.10.2016 made in I.A.No.186 of 2016 in O.S.No.49 of 2010 on the file of the learned District Munsif, Paramathi.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.T.L.Thirumalaisamy

ORDER

The petitioner, who is the plaintiff has filed a suit for permanent injunction restraining the defendants from interfering with his right to take men, cattle and vehicles through X to reach his land and for the relief of injunction restraining from causing any damage to pipe lines laid in 'X'.

2. The suit is of the year 2010. It is stated that the trial is over and the suit is posted for argument. At this stage, the present application in I.A.No.186 of 2016 is filed for reopening the case for the purpose of adducing further evidence.

3. It is further stated by the petitioner that he needs to clarify certain aspects with respect to the averment made by the defendants that the suit cart track is going through the third parties land. Hence, the petitioner seeks to reopen the case and clarify the same.

4. The defendants had filed his counter affidavit stating that even one year before the plaintiff had filed such Applications in I.A.Nos.232 and 233 of 2015 to reopen and recall, which was dismissed on 04.06.2015, against which, a Civil Revision Petition No.2653 of 2015, has been filed and the same was also dismissed.

5. While so, when the suit is posted for arguments and same was over and the judgment is reserved, the present application is filed, which was correctly dismissed by the learned Trial Judge holding that it is only to fill up the lacunae.

6. As the suit itself is of the year 2010, when all the proceedings is complete and only the judgment is need to be pronounced, the application filed by the petitioner is only to delay the procedure. Hence, this Court is not inclined to entertain this Civil Revision Petition.

7. Accordingly, the Civil Revision is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2016

Index : Yes/No

srn

To

The District Munsif Court,
Paramathi.

PUSHPA SATHYANARAYANA.J

srn

C.R.P.PD.No.3779 of 2016
and C.M.P.No.19257 of 2016

05.12.2016
<http://www.judis.nic.in>