

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2016

CORAM

THE HONOURABLE MR. JUSTICE P.R.SHIVAKUMAR

C.R.P (PD) No.444 of 2016

&

C.M.P.No.2294 of 2016

Kandiappan

... Petitioner

VS.

1.Mohanambal

2.Thangaraj

3.Chinnaponnu

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside fair and final order dated 17.12.2015 passed in I.A.No.1228 of 2015 in O.S.No.170 of 2009 on the file of the I Additional District Munsif Court, Salem and allow the Civil Revision Petition.

For Petitioner : Mr.R.Nalliyappan

ORDER

The second defendant in the original suit is the petitioner in the Civil Revision Petition preferred under Article 227 of the Constitution of

India.

2. The suit was filed by the first respondent for partition and separate possession against the petitioner herein and respondents 2 and 3 herein. It was filed in the year 2009 itself. The trial started long back and after the completion of the examination of evidence on the side of the plaintiff and even after the completion of the cross-examination of DW4, the petitioner herein, who is the second defendant, wanted to deliver an interrogatory to the plaintiff and hence he filed I.A.No.1228 of 2015 for the said purpose. The same was opposed on the ground that it was nothing but an attempt to prolong the case.

3. The learned trial Judge, after hearing, held that the belated filing of the petition for delivering the interrogatories was an attempt to prolong the case and accordingly, the learned trial Judge dismissed the said petition. This Court does not find any defect or error in the said order passed by the trial Court. There is no merit in the revision. The revision does not even merit admission and the same deserves dismissal.

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

19.02.2016

Index: Yes/No
Internet: yes/No
gpa

To

I Additional District Munsif Court
Salem

P.R.SHIVAKUMAR.J.,

gpa

C.R.P (PD) No.444 of 2016 &
C.M.P.No.2294 of 2016

19.02.2016