



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 20.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P. (MD) No.1197 of 2016 (PD)

1.Shajakhan
2.Sheik Mohammed
3.Sardar Ali,
S/o.Farook,
Rep. Through their Power Agent,
Farook. .. Petitioners/Petitioners/Plaintiffs

vs.

1.Kaja Mohideen
2.Naina Mohammed
3.Sheik Mujibur Rahman
4.Bakrudeen Ahamed
5.Raja Mohammed
6.E.R.Sarpudeen
7.P.S.Sarpudeen
8.P.S.B.Syed Ahamed @ Ayya
9.P.S.B.Iqmath Ali
10.P.S.B.Abdeen
11.P.S.B.Labeer .. Respondents/Respondents/Defendants

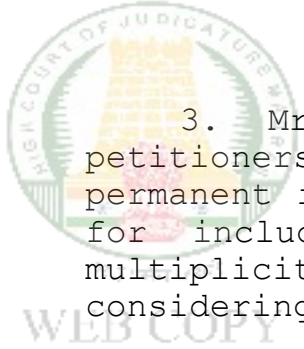
Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 27.10.2015 passed by the District Munsif Court, Aranthangi made in I.A.No.322 of 2015 in O.S.No.139 of 2004.

For Petitioners : Mr.D.Ramesh Kumar

ORDER

This revision arises out of the order passed by the District Munsif Court, Aranthangi in I.A.No.322 of 2015 in O.S.No.139 of 2004.

2. The petitioners have instituted a suit in O.S.No.139 of 2004 against the respondents for permanent injunction. The respondents have filed their written statement in the year 2006 and contesting the same. In the suit, the petitioners have filed an application in I.A.No.322 of 2015 to re-open the case for the purpose of amending the prayer. Since the application was dismissed, the present revision has been filed.



3. Mr.D.Ramesh Kumar, learned counsel appearing for the petitioners would submit that though the suit was filed for permanent injunction, now the plaintiffs wanted to re-open the case for including the prayer for declaration in order to avoid multiplicity of proceedings. However the trial Court, without considering those aspects, dismissed the application.

4. It is seen from the records that the suit was posted for argument on 07.10.2014 and thereafter, a petition in I.A.No.845 of 2014 was filed to re-open the suit for examination of witness. The plaintiffs then examined P.W.3. Again the suit was posted for arguments on 07.02.2015. The plaintiffs instead of arguing the case, took 13 adjournments and thereafter, filed the application to re-open the case to include the prayer of declaration.

5. The trial Court observed that the application was filed belatedly without proper reasoning. Considering the above facts, I do not find any illegality or irregularity in the order impugned in the revision. Hence, this Civil Revision Petition is dismissed. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Aranthangi.

+ 1 CC TO MR.D.RAMESH KUMAR, ADVOCATE IN SR No. 31342

PS
TE/PEK/ : 30/06/2016 : 2P/3C

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