

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2017

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

**C.R.P.(PD)No.1055 of 2017
and C.M.P.No.5092 of 2017**

K.Mani

... Petitioner

v.

1.Mrs.Kanthamani

2.Mrs.Valliammal

... Respondents

C.R.P filed under section 227 of C.P.C., against the order dated 27.02.2017 made in I.A.No.51 of 2017 in O.S.No.11 of 2008 on the file of the Learned District Munsif Cum Judicial Magistrate, Uthiramerur.

For Petitioner : Mr.N.Kumar Rajan

ORDER

Challenging the order dated 27.02.2017 passed in I.A.No.51 of 2017 in O.S.No.11 of 2008 on the file of the District Munsif Cum Judicial Magistrate, Uthiramerur, the 3rd defendant has filed the above Civil Revision Petition.

2. The 1st respondent/plaintiff filed a suit in O.S.No.11 of 2008 for declaration and permanent injunction. The defendants filed their written statement and are contesting the suit. After the completion of oral evidence, the plaintiff took out an application in I.A.No.51 of 2017 to re-open the case for the purpose of examining one more witness. Though the defendants opposed the petition, the trial Court, allowed the application and gave an opportunity to the plaintiff to examine one more witness.

3. In the affidavit filed in support of the application, the plaintiff has stated that examination of her sister is necessary for proper adjudication of the suit. Admittedly, the parties have not argued the matter before the trial Court yet. In these circumstances, in the interest of justice, the plaintiff was given an opportunity to examine her sister as a witness on her side. The trial Court has rightly considered all the aspects and allowed the application.

4. I do not find any error or irregularity in the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed.

5. Since the suit is pending from 2008, I direct the trial Court to dispose of the suit in O.S.No.11 of 2008, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

17.03.2017

Note: Issue on 21.03.2017

rg

To

The District Munsif Cum Judicial Magistrate, Uthiramerur.

M. DURAISWAMY,J.,

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