

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.SUNDAR

C.R.P.Nos.1243 & 1244 of 2017

R.Anandan

.. Petitioner in both CRPs.

Vs.

1.S.Sampala

2.M.Umila

.. Respondents in both CRPs.

Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to set aside the order dated 10.02.2017 made in I.A.Nos.1273 & 1274 of 2016 in O.S.No.1070 of 2004 on the file of Principal District Munsif Court, Tiruvallur at Poonamallee.

For Petitioner : Mr.M.Raja Seshar

COMMON ORDER

First plaintiff in the trial court is the lone revision petitioner before me.
There are two defendants in the Trial court and they are respondents 1 and 2 before me.

2. As far as the main suit in the Trial court is concerned, it is one for bare injunction to protect the plaintiffs' possession qua the suit property.

3. The plaintiffs in the Trial Court took out an application under Order XVIII Rule 17 of Civil Procedure Code 1908 (hereinafter referred as 'C.P.C.' for brevity) with a prayer to recall P.W.1. It was accompanied by a reopen petition. It is the case of the first plaintiff that a WILL has to be marked.

4. These petitions for recall and reopen i.e. I.A.Nos.1273 & 1274/2016 were dismissed by the Trial Court in and by an order dated 10.02.2017 .

5. Aggrieved, the first plaintiff has filed the instant revision petitions.

6. I have heard Mr.M.Raja Seshar, learned counsel for the revision petitioner. I have also perused the order of the Trial Court which is sought to be revised in the instant proceedings.

7. On a perusal of the order, it is seen that this is not the first petition to reopen and recall.

8. Earlier, plaintiffs had taken out applications with similar prayers, applications were dismissed vide order dated 17.12.2012, as against such dismissal, plaintiffs filed civil revision petition in CRP.No.852/2013 and this Court vide order dated 07.03.2013 set aside the order of dismissal made by the Trial court, permitted the plaintiffs to recall/ reopen the evidence and to mark 6 documents.

9. Therefore, this is the second set of petitions of similar nature.

10. Besides this, there have been several other interlocutory applications taken out by the plaintiffs which have been set out in a tabular column form in the impugned order and Trial Court has also written a finding that all these applications have been taken out with the intention of protracting and procrastinating the suit.

11. Moreover, I do not find any infirmity or illegality in the order of the Trial court in dismissing the petition under Order XVIII Rule 17 of Civil Procedure Code.

12. I have also taken into account the fact that the interlocutory application has been filed preliminary under Order XVIII Rule 17 of C.P.C.

M.SUNDAR,J

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when the suit itself was posted for arguments, after completion of oral and documentary evidence. For all these reasons also, I am not inclined to interfere with the orders of the trial Court.

The Civil Revision Petitions are dismissed. Consequently, connected CMPs are closed.

04.04.2017

Index:Yes/No
Internet:Yes/No
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To

The Principal District Munsif Court,
Tiruvallur at Poonamallee.

C.R.P.Nos.1243 & 1244 of 2017

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