

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1448 & 1449 of 2017
and

C.M.P.No.6747 of 2017

1.Thanislal
2.Irundayam

.. Petitioners/Plaintiffs
in both the C.R.Ps.

Vs.

Michealraj

.. Respondent/Defendant
in both the C.R.Ps.

Prayer in both the C.R.Ps.: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal orders dated 09.01.2017, made in I.A.Nos.852 and 853 of 2016 in O.S.No.204 of 1999 on the file of the District Munsif Court, Panruti.

For Petitioners : M/s.R.Meenal

COMMON ORDER

These Civil Revision Petitions have been filed against the fair and decretal order dated 09.01.2017 made in I.A.Nos.852 and 853 of 2016 in O.S.No.204 of 1999 on the file of the District Munsif Court, Panruti.

2. Since the issues involved in both the Civil Revision Petitions are one and the same, they are heard together and disposed of by this common order.

3. The petitioners are the plaintiffs and the respondent is the defendant in the suit in O.S.No.204 of 1999 on the file of the District Munsif Court, Panruti. The petitioners filed the suit for declaration of title and permanent injunction. The respondent filed his written statement and is contesting the suit. Trial commenced and after completion of evidence let in

by the parties, the suit was posted for arguments. At this stage, the petitioners have filed I.A.Nos.852 and 853 of 2016 to re-open the case and to recall PW1 and permit him to let in further evidence on his side.

4. According to the petitioners, they filed the suit for declaration of title and permanent injunction. They applied for certified copy of the revenue documents, which are sought to be marked and obtained only now and immediately, they filed the present applications.

5. The respondent filed counter affidavit and opposed the said applications and submitted that these applications were filed only to drag on the proceedings. The petitioners filed the suit in the year 1997. For more than 20 years, after evidence was closed on the side of parties, the suit was posted for arguments, the petitioners have come out with the present applications and thus, prayed for dismissal of both the applications.

6. The learned District Munsif, Panruti, considering the averments made in the affidavit, counter affidavit and the materials available on record, dismissed both the applications holding that the petitioners have not given any reasons for not filing the revenue documents earlier and also not mentioned the list of documents sought to be marked and further held that the intention of the petitioners is only to drag on the proceedings.

7. Against the said order of dismissal dated 09.01.2013, the petitioners have come out with the present Civil Revision Petitions.

8. Heard the learned counsel for the petitioners and perused the materials available on record.

9. The contention of the petitioners is that the learned Judge failed to see that immediately after obtaining certified copy of the documents, the petitioners have filed the applications and their intention is not to protract the proceedings. This contention has no merit. The petitioners have not stated as to why they have not obtained documents earlier and marked these documents before closing of their evidence. Further the respondent has furnished the details of number of applications filed by the petitioners one after other. The petitioners have not denied the said averments in the counter. From these facts, it is clear that the intention of the petitioners is only to drag on the proceedings as they have filed these petitions when the suit is posted for arguments. The learned Judge has taken note of the fact that the petitioners have not furnished the details as to why the documents now

sought to be filed, are not filed earlier. The reasoning of the learned District Munsif, Panruti, is valid and he has exercised his power conferred on him properly and there is no infirmity or irregularity in the order of the trial Court warranting interference by this Court.

10. In the result, both the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The District Munsif,
Panruti.

+1cc to Mr.R.Meenal, Advocate Sr.24126

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