

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2019 of 2017
& C.M.P.No.9793 of 2017

1.Vasanthakumari

2.Shanthi

.. Petitioners

Vs.

1.P.Edwin Babu

J.Thangaraj (Died)

2.Rajini 'K1 Constructions'

Rep.by its Partner
Sasikala, W/o Baskar,
No.5, Appu Street, 2nd Lane,
Mylapore, Chennai – 600 004.

3.The Joint Sub-Registrar-II

Saidapet Sub-Registration Office,
Saidapet, Chennai – 600 015.

4.Devi

5.Rathi

6.Manikandan

7.Rajagopal

8.Sumathi

.. Respondents

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PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 20.04.2017 made in I.A.No.118 of 2016 in O.S.No.11796 of 2010 on the file of XIX Additional City Civil Court at Chennai.

For Petitioners : Mr.M.Venkadeshnan

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 20.04.2017 made in I.A.No.118 of 2016 in O.S.No.11796 of 2010 on the file of XIX Additional City Civil Court at Chennai.

2. The petitioners are the defendants 4 and 5, first respondent is the plaintiff, respondents 2 to 8 are the defendants 2, 3 and 6 to 10 in O.S.No.11796 of 2010. The first respondent filed suit for specific performance of the agreement of sale dated 22.03.2007, executed by deceased first defendant in favour of the first respondent and for consequential injunction. The petitioners filed written statement and are contesting the suit. Trial commenced. Petitioners filed I.A.No.118 of 2016 to reopen the

evidence of DW2 and permit the 2nd respondent to adduce evidence in O.S.No.11796 of 2010.

3. According to the petitioners, their Advocate advised them to mark documents and those documents were not immediately available and only now they were traced and filed the present application.

4. The learned Judge, considering the fact that the petitioners filed number of applications only with an intention to drag on the proceedings and taking note of the fact that the present application is filed, when the suit is posted for arguments, dismissed the application.

5. Against the order of dismissal dated 20.04.2017 made in I.A.No.118 of 2016, the present civil revision petition is filed by the petitioners.

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

7. From the order of the learned Judge, it is seen that the petitioners have filed the applications in I.A.Nos. 63 of 2014, 172 & 173 of 2015, 76 of 2016 and 142 of 2016 to reopen, recall and set aside the exparte order and the same were allowed. In spite of the favourable orders granted to them, the petitioners did not utilize the same.

8. A perusal of the materials on record and impugned order of the learned Judge clearly reveals that the present application filed by the petitioners is not with bonafide intention, but only to drag on the proceedings. Petitioners have not given any acceptable or valid reason to permit them to reopen and permit the second petitioner to let in evidence.

9. The learned Judge considering all the materials available on record dismissed the application by giving cogent and valid reasons. In these circumstances, there is no illegality or irregularity warranting interference by this Court with the order of the learned trial Judge, dated 20.04.2017.

10. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2017

Index : Yes/No
gsa/kj

To

- 1.The Joint Sub-Registrar-II
Saidapet Sub-Registration Office,
Saidapet, Chennai – 600 015.
- 2.XIX Additional City Civil Court,
Chennai.



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V.M.VELUMANI, J.

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