

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) NO.2842 OF 2017

A. Martin

... Petitioner

Vs.

1. C.Rani

2. C.Dhanasekar

3. C.Mathimalar

4. Minor, Pooja

5. Minor, Suriya

The minors represented by their guardian
cum mother Mrs. C.Mathimalar
(3rd Respondent herein)

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Decree and Judgment dated 07.02.2017 passed in O.S.No. 82 of 2012 on the file of III Additional District Judge, Tiruvellore @ Poonamalle.

For Petitioner : Mr.A. Martin
Petitioner - in - Person

ORDER

The Civil Revision Petition is directed against the judgment and decree dated 07.02.2017 passed in O.S.No.82 of 2012 by the III Additional District Judge, Tiruvellore @ Poonamalle.

2. The grievance of the petitioner is that the applications filed by him for expert opinion as well as vigilance complaint, were not considered and during pendency of the same, in utter violation of settled procedures, the Trial Court has decided the matter. Therefore, an interference is sought for by the petitioner with a request that he shall be given an opportunity to effectively defend the case, after disposal of the petitions for expert opinion and vigilance complaint.

3. I have gone through the pleadings. It is found that the applications filed for expert opinion and other interlocutory applications were disposed of and in fact, the petitioner has filed a Revision Petition before this Court, which is still pending. Now, the Trial Court has passed the judgment on merits.

4. The petitioner has effectively participated in the trial and cross examined the plaintiff and let in evidence on his side as well before the Trial Court. Therefore, when a judgment and decree was passed on merits, in a suit, it is open to the petitioner, to file an appeal against the said judgment and decree. He cannot directly approach this Court, by way of Civil Revision Petition. It is open to the petitioner to file an appeal, if he is so advised and certainly, this Civil Revision Petition is not maintainable.

5. With above observation, this Civil Revision Petition is dismissed. No costs.

6. Registry is directed to return the original judgment and decree to the petitioner enabling him to file an appeal before the appropriate forum.

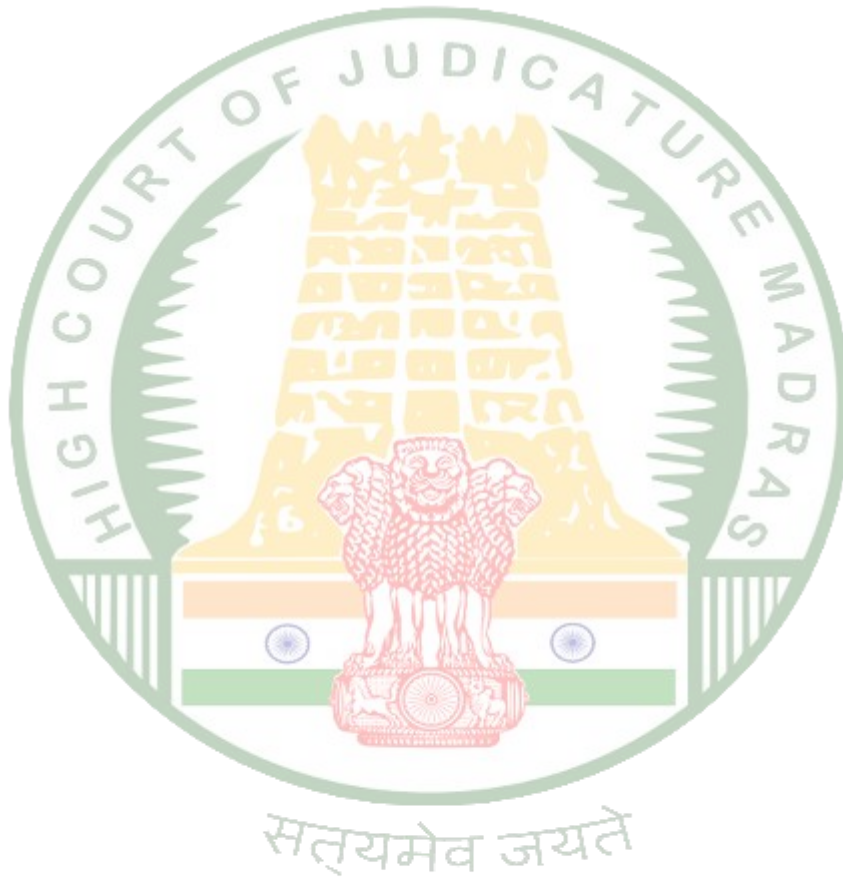
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23.08.2017

Index : Yes/No
Internet : Yes/No
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To

The III Additional District Judge,
Tiruvellore @ Poonamalle.



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M.GOVINDARAJ, J.
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