

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **23.08.2017**

CORAM:

THE HONOURABLE MR. **JUSTICE M.GOVINDARAJ**

C.R.P.PD.No.3039 of 2017

and

C.M.P.No.14243 of 2017

1.Sakthi

2.Sudha

...Petitioners

Vs.

1.Thirumani

2.Raja

3.Selvamani

4.Rajakumari

5.Jaya

6.Lakshmi

...Respondents

WEB COPY

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set aside the order passed in I.A.No.155 of 2017 in O.S.No.134 of 2011 dated 19.07.2017 on the file of the Principal Subordinate Court at Villupuram by allowing the present Civil

For Petitioners : Mr.L.S.M.Hasan Fizal

ORDER

Petitioners / plaintiffs have filed a suit for partition in the year 2011. The respondents / defendants denied the relationship of the plaintiffs with the deceased person, through whom the petitioners / plaintiffs claim title. The written statement was filed in the year 2012 . Thereafter the suit was taken up for trial. Evidence on both sides was over and the matter was posted for arguments on 15.06.2017. At this juncture, the petitioners / plaintiffs seek to reopen the case for the purpose of marking certain additional documents.

2.From a perusal of the pleadings, it is seen that specific denial was raised as early as 2012 against the rights claimed by the plaintiffs. It is not their case that those documents were not available with them at the time of trial. Only because of the objections raised by the respondents / defendants, the petitioners have filed the present petition.

3.The trial court after considering the factual matrix has dismissed the application as it is an attempt to prolong the litigation. The petitioners ought to have been vigilant to establish their rights

when an opportunity given to them or at least within a reasonable time. But have approached the Court very belatedly at the fag and of the trial.

4. Therefore, I do not find any extraordinary reason to interfere with the order passed by the trial court. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

23.08.2017

kas

To.

The Principal Subordinate Court
Villupuram

सत्यमेव जयते
WEB COPY

M.GOVINDARAJ.,J.

kas



C.R.P.PD.No.3039 of 2017

WEB COPY

23.08.2017