

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).Nos.550 and 551 of 2017  
and  
C.M.P.No.2820 of 2017

1. Shantanou
2. Rajnish Kumar Ray .. Petitioners in both C.R.Ps.

Vs.

1. Om Vandemaatharam Om  
Registered Public Charitable Trust,  
Rep. by its Founder, Trustee  
Dr.Mandaadi Indrasena Reddy
2. Gunny
3. Klau .. Respondents in both C.R.Ps.

Civil Revision Petition (PD).No.550 of 2017 filed under Article 227 of the Constitution of India against the fair and decretal order dated 30.11.2016 made in I.A.No.300 of 2016 in O.S.No.88 of 2009 on the file of the Additional Sub-Court, Puducherry.

Civil Revision Petition (PD).No.551 of 2017 filed under Article 227 of the Constitution of India against the fair and decretal order dated 30.11.2016 made in I.A.No.301 of 2016 in O.S.No.88 of 2009 on the file of the Additional Sub-Court, Puducherry.

For petitioners : Mr.B.Ramprabu

COMMON ORDER

The defendants 1 and 2 have filed the above revision petitions, aggrieved by the order refusing to permit them to reopen the evidence and examine the witness.

2. The suit is filed by the first respondent/plaintiff for bare injunction in the year 2009 and the written statement has also been filed in the same year. It is seen that the examination of witnesses on the side of the defendants, commenced in the year 2012. It is stated that the arguments were over and the suit is reserved for judgment. At this juncture, the defendants 1 and 2 have come up with the above applications to reopen the evidence and examine the witness, namely Power Agent--Ramamoorthy. In a suit for permanent injunction, it is not stated as to how the evidence of the said witness is relevant and only the factum of possession has to be gone into. The trial Court held that from 2012, the matter is posted for defendants' side witness and in 2016, the defendants' side evidence was closed and the suit was posted for arguments after giving sufficient opportunities to both parties. The above applications have been filed by the defendants 1 and 2 nearly after seven years from the date of the suit, with enormous delay and

there is also no justifiable reason for the delay.

3. Be that as it may, as stated earlier, the suit being one for bare injunction, the relevancy of examination of the said witness, has also not been stated in the affidavit. Hence, the applications were rightly dismissed by the trial Court, which does not warrant any interference. Therefore, the Civil Revision Petitions are dismissed. No costs. C.M.P. is closed.

17.02.2017

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Copy to

The Additional Sub-Judge, Puducherry.

PUSHPA SATHYANARAYANA, J

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