



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

C.R.P. (PD) (MD) No.1573 of 2017

and

C.M.P. (MD) No.8784 of 2017

K.Sandhiyagu ...Petitioner/Petitioner / Plaintiff
-Vs-
1.K.Paulraj
2.K.Sesu Rajangam ...Respondent/Respondents / Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the impugned order dated 13.06.2017 passed in I.A.No.174 of 2017 in O.S.No.30 of 2012 on the file of the learned Additional District Munsif, Dindigul.

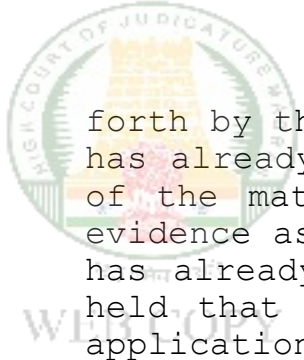
For Petitioner : Mr.R.Vijayalakshmi

ORDER

This Civil Revision petition is filed to set aside the impugned order dated 13.06.2017 passed in I.A.No.174 of 2017 in O.S.No.30 of 2012 by the Additional District Munsif, Dindigul.

2.The suit in O.S.No.30 of 2012 has been laid by the petitioner / plaintiff for permanent injunction. The said suit has been seriously resisted by the respondents / defendants and accordingly, it is found that both parties have proceeded with the trial and the plaintiff has closed his evidence and on the side of the defendants D.W.1 was examined and thereafter, the case was adjourned for further proceedings. In the mean time, the petitioner has preferred an application in I.A.No.174 of 2017 seeking permission to adduce further evidence in support of his case, contending that the property had been sold by him to the wife of the first respondent / defendant without any consideration and inasmuch as the defendants have tendered evidence controverting the same, it has become necessary on the part of the plaintiff to adduce further evidence. The said application was resisted by the respondents / defendants contending that the suit has been laid for permanent injunction and through the proposed witnesses, the right and possession in the suit property cannot be decided and that the petitioner / plaintiff has to establish the same with the acceptable materials and hence, he cannot be allowed to drag on the proceedings endlessly by filing such application after the trial has come to the last stage and the petitioner's application is liable to be dismissed.

3.The Court below on considering the rival contentions put



forth by the respective parties held that the petitioner / plaintiff has already tendered evidence in support of his case. In such view of the matter, the plaintiff cannot be allowed to adduce further evidence as against the recitals of the said sale transaction, which has already been marked as Ex.B.2 and accordingly, the Trial Court held that only with a view to delay the proceedings, the present application has been laid and hence, dismissed the application. As against the dismissal of the said application, the present Civil Revision petition is filed.

4.As rightly held by the Trial Court the parties have already tendered evidence in support of their case. It is seen that the present plea put-forth by the petitioner / plaintiff for adducing further evidence with reference to the evidence tendered by the defendants, denying his case as such, cannot be accepted. That apart, as rightly held by the Trial Court that when the document has already been marked as Ex.B.2, the plaintiff cannot be allowed to adduce evidence contra to the recitals of Ex.B.2. Therefore, the Trial Court has rightly dismissed the application laid by the petitioner. Thus, I do not find any error or infirmity in the impugned order.

5.Resultantly, this Civil Revision Petition is not entitled for acceptance and accordingly, the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif,
Dindigul.

MYR/SMI

JS/JC/SAR.2/3.10.2017/2P-2C

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