



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD) (MD)Nos.1946 and 1947 of 2016

and

CMP(MD)No.9199 of 2016

1) P.Kanagambal
2) Jayalakshmi
3) Sasikala

... Petitioners

vs.

1) Chinnaiyan
2) Krishnaveni

... Respondents

Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.Nos.499 and 500 of 2015 in O.S.No.1451 of 2009 on the file of Principal District Munsif, Trichy, dated 19.11.2015 by allowing the revisions.

For Petitioners : Mr.R.Sundar
For Respondents : Mr.R.Gandhi

COMMON ORDER

These revision petitions have been filed to set aside the fair and decreetal order made in I.A.Nos.499 and 500 of 2015 in O.S.No.1451 of 2009 on the file of Principal District Munsif, Trichy, dated 19.11.2015.

2.The respondents herein are plaintiffs in O.S.No.1451 of 2009 on the file of Principal District Munsif, Trichy and the revision petitioners are defendants in the suit. The suit was filed for injunction and other reliefs. The suit was posted on 08.10.2015 for adducing further evidence on the side of the defendants. However, the defendants called absent and hence, they were set ex parte and their side evidence was closed. While so, they filed I.A.Nos.499 and 500 of 2015 to re-open, recall DW1 for the purpose of marking document to substantiate their case. The Trial Court dismissed the said applications holding that the petitioners have not produced any document along with these applications. Hence, they have come up with the present revisions.



3.Learned counsel for the petitioners contended that if the interlocutory applications seeking re-open and to recall DW1 are not allowed, the petitioners would be put into irreparable loss and injury and no prejudice would be caused to the respondents, if the applications are allowed.

4.Learned counsel for the respondents submits that though the revision petitioners filed petitions to reopen and recall, they did not file any petition to mark the document and no document was produced. The learned counsel further submitted that if the petitioners produce the document and file a petition, the respondents have no objection to contest the same. It is also submitted that the suit is in the final stage and therefore, a direction may be issued to dispose of the suit within a time frame.

5.Considering the facts and circumstances of the case and considering the no objection expressed on the side of the respondents, the revision petitioners are directed to file a petition to mark the document before the Court below along with the document within a period of one week from the date of receipt of a copy of this order. On filing such petition, the respondents are at liberty to make their objections and the Court below shall pass order within a week from the date of filing of the petition. Thereafter, the suit shall be proceeded in accordance with law and shall be disposed of within a period of three months thereafter.

6.Accordingly, the impugned orders in I.A.Nos.499 and 500 of 2015 in O.S.No.1451 of 2009 dated 19.11.2015 on the file of Principal District Munsif, Trichy, are set aside. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The Principal District Munsif,
Trichy.
+ 1 CC TO MR.R.Gandhi, ADVOCATE IN SR No.84569
bala
MK/KK/SAR-2/08.11.2017/2P/3C