



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 24.01.2017

CORAM:

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.2671 of 2016

C.Kamalam

.. Petitioner/Plaintiff

-VS-

1.Pitchai Udaiyar
2.Arumugam
3.Sangili
4.Chinnadurai
5.Marimuthu
6.Ramalingam
7.Gopal
8.Shanmugam

.. Respondents/Defendants

PRAYER:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 17.11.2016 passed in I.A.No.571 of 2016 in O.S.No.154 of 2008 on the file of the District Munsif cum Judicial Magistrate, Keeranur to set aside the order.

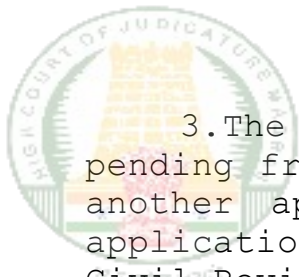
For Petitioner

: Mr.C.Nagamuthu

ORDER

The petitioner has filed the above Civil Revision Petition against the fair and decreetal order, dated 17.11.2016 passed in I.A.No.571 of 2016 in O.S.No.154 of 2008 on the file of the District Munsif cum Judicial Magistrate, Keeranur.

2.The petitioner is the plaintiff in the suit in O.S.No.154 of 2008 on the file of the District Munsif cum Judicial Magistrate, Keeranur and the respondents are the defendants in the said suit. The petitioner filed the said suit for injunction restraining the respondents from interfering with her peaceful possession and enjoyment of the suit property. The respondents filed written statement and contesting the suit. Trial commenced. Evidence was closed on both sides. The suit was posted for arguments and at that time, the petitioner filed the present application in I.A.No.571 of 2016 on the file of the District Munsif cum Judicial Magistrate, Keeranur, for re-calling P.W.1 to file additional documents. The respondents filed counter-affidavit and resisted the same.



3.The learned Judge considering the fact that the suit is pending from the year 2008 and the petitioner is filing one after another application to drag on the proceedings, dismissed the application. Against the said order of dismissal, the present Civil Revision Petition is filed.

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4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.From the materials, it is seen that the evidence was closed on both sides and it was posted for argument on 28.10.2013. From that day onwards, the petitioner was filing application one after another and some of the applications were allowed for re-open and some of the applications were dismissed. Finally, the petitioner filed the application in I.A.No.553 of 2016 to re-open and the said application was allowed on 08.11.2016. Again the petitioner filed the present application in I.A.No.571 of 2016 for re-calling P.W.1 to mark the additional documents. The respondents resisted the same on the ground that the petitioner is taking contrary plea to the plea taken by the petitioner in the plaint and the reason given by the petitioner is not valid to re-call and to mark the document. It is clear that the petitioner has not given sufficient reason for not filing the documents along with the plaint or marked the documents during trial. The reason given by the petitioner that she got the documents only recently is not believable and acceptable. The learned Judge has considered all the aspects in proper perspective and exercised his jurisdiction properly and dismissed the application. There is no error or irregularity in the order passed by the District Munsif cum Judicial Magistrate, Keeranur, warranting interference of this Court. Hence, this Civil Revision Petition is liable to be dismissed.

6.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

The District Munsif cum Judicial Magistrate,
Keeranur.

+1 CC to M/s.V.SELVA, Advocate, SR No. 4409

PS

<https://hcmjrecords.gov.in/services> BSM/CR/BS/02/02/2017/2P/3C

C.R.P (MD) No.2671 of 2016
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