

IN THE HIGH COURT OF JUDICATURE AT MADRAS**Dated : 10.12.2018****CORAM****THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE****C.R.P.(PD).No.1564 of 2013****and****M.P.No.1 of 2013**

Sivaprakasam

...

Petitioner

Vs.

Kalamani

...

Respondent

Prayer :- The Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 04.06.2010 made in I.A.No.621 of 2010 in O.S.No.1304 of 2004 on the file of the Court of 3rd Additional District Munsif Court, Kallakurichi.

For Petitioner : Mr.T.P.Prabhakaran

Respondent : No appearance

ORDER

The instant revision has been filed challenging the order dated 04.06.2010 passed in I.A.No.621 of 2010 in O.S.No.1304 of 2004 on the file of the III Additional District Munsif Court, Kallakurichi.

WEB COPY**Brief facts leading to the filing of the revision:**

2.The petitioner is the first plaintiff in the suit O.S.No.1304 of 2004 filed before the III Additional District Munsif Court, Kallakurichi seeking for permanent injunction against the respondent/defendant restraining the respondent/defendant from interfering with his peaceful possession

and enjoyment of the suit schedule property.

3.The Written statement was also filed by the respondent/defendant in the suit and after framing of the issues, the trial also commenced. The witnesses on both sides were also examined and the case was posted for arguments. At this stage, the petitioner filed I.A.No.621 of 2010 in O.S.No.1304 of 2004 seeking to reopen the case for the purpose of filing additional documents and for re-examination of the petitioner's witnesses.

4.A counter was also filed by the respondent in I.A.No.621 of 2010 stating that no reasons have been given by the petitioner for reopening the case and the details of the documents that the petitioner requires to file has also not been mentioned in the said affidavit.

5.The trial Court by its order dated 04.06.2010 in I.A.No.621 of 2010 dismissed the said application filed by the petitioner/plaintiff. Aggrieved by the dismissal of I.A.No.621 of 2010 in O.S.No.1304 of 2004, the instant revision has been filed by the petitioner.

6.This Court has examined the affidavit filed in support of I.A.No.621 of 2010 as well as the impugned order dismissing the said application. In the affidavit filed in support of I.A.No.621 of 2010, no

reasons have been given for reopening the case and the details of the additional documents that the petitioner seeks to produce have also not been disclosed in the affidavit filed in support of I.A.No.621 of 2010. Further, I.A.No.621 of 2010 was filed by the petitioner only in the arguments stage. Considering all these factors, this Court is of the considered view, the trial Court has rightly rejected I.A.No.621 of 2010 filed by the petitioner.

In the result, there is no merit in the Civil Revision Petition. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes / No
sms

10.12.2018

To
The III Additional District Munsif Court, Kallakurichi.

सत्यमेव जयते

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ABDUL QUDDHOSE,J.,



C.R.P.(PD).No.1564 of 2013
and
M.P.No.1 of 2013

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