

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2018

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P.(PD).Nos.3005, 3006 & 3007 of 2013

**&
M.P.No.1 of 2013**

Sudha

.. Petitioner in all CRPs.

..Vs..

1.Bama

2.Kandhasamy Goundar

.. Respondents in all CRPs.

Prayers: Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order in I.A.No.1688, 1686 & 1687 of 2012 in O.S.No.282 of 2007 dated 11.01.2013 on the file of the learned Principal District Munsif, Kallakurichi.

For Petitioner in all CRPs. :Mr.N.Suresh

COMMON ORDER

The instant revisions have been filed challenging the common order dated 11.01.2013 dismissing I.A.Nos.1688, 1686 and 1687 of 2012 in O.S.No.282 of 2017 on the file of the learned Principal District Munsif, Kallakurichi.

Brief facts leading to the filing of the revision:

2. The petitioner is the second defendant in the suit which was filed by the first respondent. The suit was filed for declaration and for injunction in respect of the suit schedule property against the petitioner as well as the second respondent. The plaintiff and the defendants side evidence were completed and the suit was posted for the arguments of the petitioner who is the second defendant in the suit. The Trial Court had already heard the arguments of the first respondent who is the plaintiff in the suit. At this stage, the petitioner filed I.A.No.1686 of 2012 to reopen the suit, I.A.No.1687 of 2012 to file additional written statement and I.A.No.1688 of 2012 to re-call the petitioner side evidence. A counter was filed by the first respondent in I.A.No.1686 of 2012. By a common order dated 11.01.2013, the Trial Court dismissed all the applications filed by the petitioner.

3. Aggrieved by the order of dismissal of I.A.Nos.1686, 1687 and 1688 of 2012, the instant revisions have been filed by the petitioner.

4. Heard, Mr.M.Suresh, learned counsel for the petitioner in all CRPs.

5. Admittedly, I.A.Nos.1686, 1687 and 1688 of 2012 to reopen the

suit, to file additional written statement and to recall PW1 were filed only in the arguments stage, that too, when the first respondent who is the plaintiff in the suit had already argued the matter. In the considered view of this Court, the Trial Court has rightly rejected the applications filed by the petitioner as it has been filed belatedly only in the arguments stage. Further, the Trial Court has also observed in the impugned order that the petitioner wants to reiterate the same pleadings in the additional written statement as in the written statement which has already been taken on file.

6. This Court is in agreement with the findings of the Trial Court and does not find any merit in the instant revisions. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

21.12.2018

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Index:Yes/No

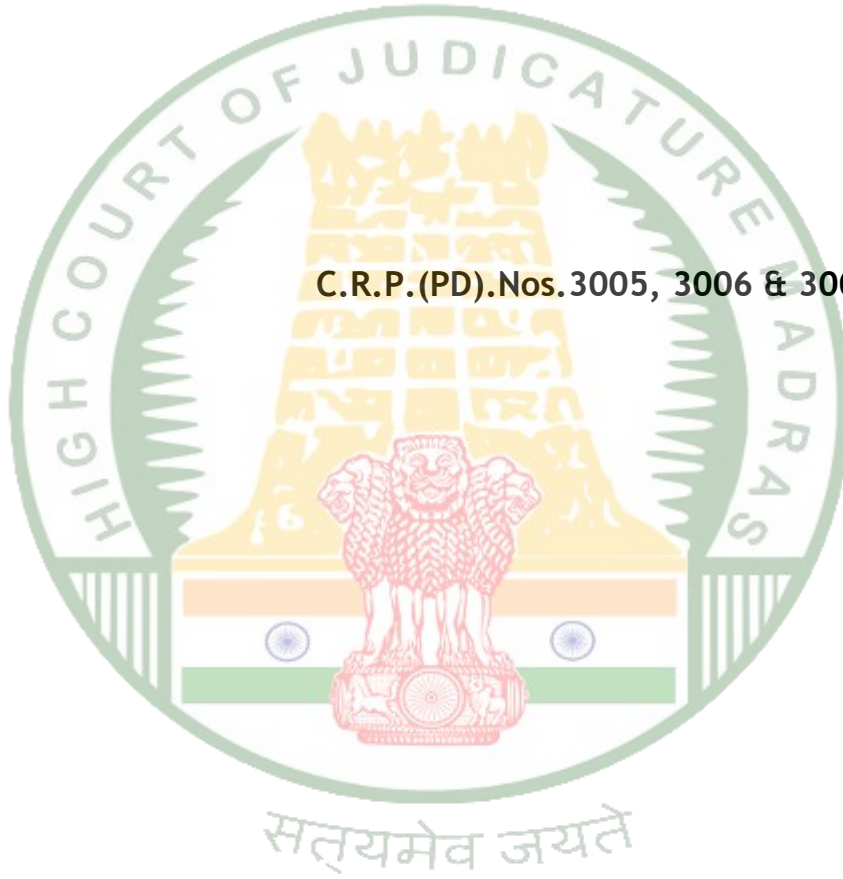
Internet:Yes/No

Speaking/Non-speaking orders

ABDUL QUDDHOSE, J.

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To
The Principal District Munsif,
Kallakurichi.



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