

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

CRP Nos.2702 & 2703/2018

CMP NO.15972 / 2018

1. Sakunthala

2.R.Nandhakumar

...Petitioners
in both CRP's

Vs.

A.Krishnasamy

...Respondent
in both CRP's

Prayer

Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decretal order dated 14.03.2018 made in I.A. Nos.97 and 98 of 2018 respectively in OS No.136 of 2011 on the file of the first additional district munsif court, Bhavani.

For Petitioner : Mr.N.Manokaran

COMMON ORDER

Plaintiffs are the revision petitioners. It is found that the suit has been laid by the plaintiffs for the reliefs of declaration and permanent injunction. The suit has been contested by the respondent / defendant. On the basis of the rival contentions put forth by the respective parties as regards the subject matter of the suit, it is found that the parties had adduced evidence. After the completion of the evidence of both parties, the court had reserved the judgment. Thereafter, the petitioners had come forward with the applications to reopen the matter for the purpose of recalling PW1 for enabling them to adduce certain documents in support of their case in respect of the suit property. The said applications were resisted by the Respondent / defendant contending that the same had been laid only with a view to delay the proceedings endlessly and hence the applications should be rejected.

2. The court below on a consideration of the rival contentions put forth by the parties, noting that the plaintiffs had not adduced sufficient cause to reopen the matter and recall PW1 and accordingly noting that with a view to delay the proceedings endlessly, the plaintiffs had come forward with the applications and accordingly deemed it fit not to entertain the

applications and resultantly dismissed the applications.

3. Impugning the same, these Civil Revision Petitions have come to be laid by the plaintiffs. Considering the reasons given by the court below in dismissing the applications, I find that the court below had taken into consideration all the relevant factors and accordingly noting the delay tactics adopted by the plaintiffs and also noting that no sufficient cause was given by the plaintiffs to reopen the matter and recall PW1 and also noting that already the plaintiffs had been already shown sufficient indulgence in adducing evidence in support of their case, rightly dismissed the applications laid by the plaintiffs. I do not find sufficient cause to reverse the impugned order passed by the court below.

4. The counsel for the Petitioner, in support of his contentions, placed reliance upon the decision reported in (2011) 11 Supreme Court Cases 275 (K.K.Velusamy Vs. N.Palanisamy). The principles of law outlined in the abovesaid decision are taken into consideration and followed as applicable to the case at the hand.

5. In conclusion, no merits are noted in the Civil Revision Petitions, accordingly, the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Deputy Registrar

// True Copy //

Sub Assistant Registrar

bga

To

1.First additional district munsif court, Bhavani.

+2ccs to Mr.N.Manoharan, Advocate, sr. no.63309 & 63308

CRP No.2702/2018
and

CRP No.2703/2018
and

CMP No.15972/2018

RMP (28/09/2018)