

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.915 & 916 of 2015
and M.P.Nos.1 & 1 of 2015

1.Ponnammal
2.Sengan

.. Petitioners
(In both C.R.Ps)

Vs.

Subramanian(Deceased)
Ponnusamy

.. Respondent
(In both C.R.Ps)

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decretal order dated 14.07.2014 made in I.A.Nos.1129 & 1128 of 2014 in O.S.No.651 of 2005 on the file of the Principal District Munsif Court, Kallakurichi.

(In both C.R.Ps.)

For Petitioners : Mr.V.Udayakumar

For Respondent : Mr.A.G.Rajan

COMMON ORDER

The Civil Revision Petitions are filed against the fair and decretal order dated 14.07.2014 made in I.A.Nos.1129 & 1128 of 2014 in O.S.No.651 of 2005 on the file of the Principal District Munsif Court, Kallakurichi.

2. Heard the learned counsel for the petitioners as well as the respondent and perused the materials available on record.

3. The petitioners are the plaintiffs and respondent is the third defendant in O.S.No.651 of 2005 on the file of the District Munsif Court, Kallakurichi. The petitioners filed said suit for claiming 1/4 share in the suit property. The second defendant filed written statement on 18.11.2004, which was adopted by the first defendant and respondent herein and are contesting the suit. The trial commenced, evidence was let in by the parties and closed. At that stage, the petitioners filed two applications in I.A.No.1128 of 2014 to recall P.W.1 and I.A.No.1129 of 2014 to reopen the case for marking the documents. According to the petitioners, while examining P.W.1, questions were not put to him with regard to gift

deeds dated 26.09.1933 and 14.09.1965. Those documents are vital to decide the issue. The respondent filed counter affidavit and opposed the said applications and contended that the questions were put to P.W.1 with regard to the documents and prayed for dismissal of the applications. The learned Judge dismissed both the applications on the ground that the petitioners have not mentioned these documents in the plaint and tried to fill in lacuna in the evidence of P.W.1.

4. Against the said order of dismissal dated 14.07.2014 made in I.A.Nos.1128 and 1129 of 2014, the present two Civil Revision Petitions are filed by the petitioners.

5. The petitioners are seeking to put questions to P.W.1 with regard to the gift deeds dated 26.09.1933 and 14.09.1965. The petitioners have not mentioned about these documents in the plaint and list of documents. In view of the same, reasoning of the learned Judge that the petitioners have come out with the present applications only to fill in lacuna, is valid and well founded. There is no irregularity or illegality warranting interference by this Court with the order of the learned Judge dated 14.07.2014.

6. In the result, the Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

23.01.2018

Index:Yes/No

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To

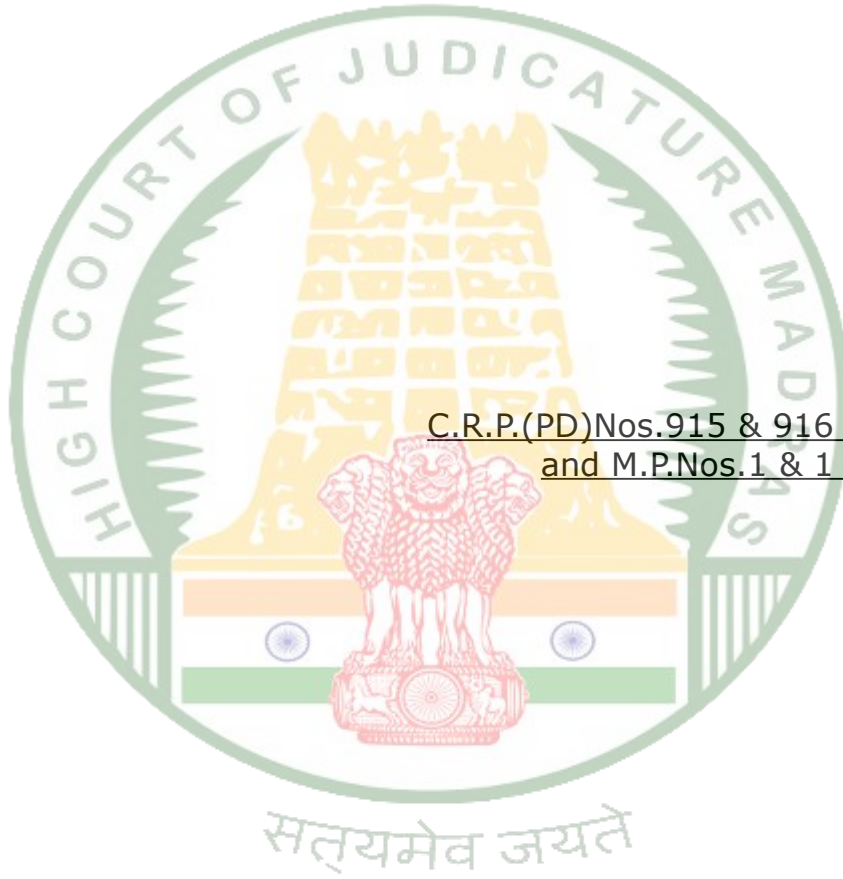
The Principal District Munsif
Kallakurichi.



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V.M.VELUMANI,J.

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