



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2018

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THE HONOURABLE MR. JUSTICE **G.R.SWAMINATHAN**

C.R.P(MD) (PD) .No.440 of 2018

and

C.M.P(MD) .No.1923 of 2018

1.Valli
2.K.Palani
3.Muthulakshmi ... Petitioners/Respondents 3 to 5/
Defendants 3 to 5
vs.
1.Kolanjiammal ... 1st Respondent/Petitioner/Plaintiff
2.Union of India,
rep. by its General Manager,
Southern Railway,
Chennai-3.
3.Workshop Personnel Officer,
Central Workshops,
Southern Railway,
Ponmalai,
Trichy-4. ... Respondents 2 & 3/ Respondents 1 & 2/
Defendants 1 & 2

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order passed by the learned Principal District Munsif Court, Tiruchirappalli in I.A.No.834 of 2017 in O.S.No.1403 of 2011 dated 29.01.2018.

For Petitioners : Mr.G.S.Asok Adhithiyan
For R1 : Ms.T.Banumathy
For R2 & R3 : Ms.S.Manohar
for Mr.A.Hajamohideen

O R D E R

The first respondent herein filed O.S.No.1403 of 2011 before the Principal District Munsif Court, Trichirapalli, seeking declaration that she is the legally wedded wife of one Late



N.Kaliyan, who was employed in Railways. The suit is being contested by the revision petitioners herein. The Railway Management remained ex-parte in the suit. After evidence was adduced on either side, when the matter was posted for arguments, the plaintiff filed an Interlocutory Application in I.A.No.834 of 2017 for re-opening the case. The said Interlocutory Application was allowed. The order allowing the Interlocutory Application is questioned in this Civil Revision Petition at the instance of the defendants 3 to 5.

2.Heard the learned counsel on either side.

3.As rightly contended by the learned counsel appearing for the revision petitioners, reopening the case must have a purpose. It cannot be reopened for the sake of it. In this case, after having reopened the said case, the plaintiff has not taken any consequential step. Therefore, even while sustaining the order impugned in this Civil Revision Petition, this Court gives a specific direction to the learned Principal District Munsif, Tiruchirapalli, to give time to the plaintiff for a period of two weeks from the date of receipt of a copy of this order. If during this time, the plaintiff does not take out any consequential application to send for documents from the Railways, the Court below will close the plaintiff's side and proceed to hear the arguments and dispose of the suit on merits.

4.With this direction, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar (CS-III)

To

1.The Principal District Munsif Court,
Tiruchirappalli.



2.The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC To MR.G.S.ASOK ADHITHYAN, Advocate SR. NO.88665
+1 CC To Ms.T.BANUMATHY, Advocate SR. NO.88716
+1 CC To MR.S.MANO HAR, Advocate SR. NO. 88988

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RMK
TR-DS/SV/SAR-III (23.11.2018) 4P 7C