



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 31.08.2018

DELIVERED ON : 17.09.2018

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

C.R.P.(PD) (MD) No.251 of 2015

Ganesan .. Petitioner / Respondent / Defendant

Vs.

Rajaguru .. Respondent /Petitioner /Plaintiff

Prayer : This Civil revision petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 25.04.2014 passed in I.A.No.386 of 2014 in O.S.No.236 of 2011 on the file of the District Munsif, Pudukottai.

For Petitioner

: Mr.B.Jameel Arasu

For Respondent

: Mr.Raja Guru

ORDER

Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.Raja Guru, learned counsel appearing for the respondent.

2.This petition has been filed to set aside the fair and decreetal order dated 25.04.2014 passed in I.A.No.386 of 2014 in O.S.No.236 of 2011 on the file of the District Munsif, Pudukottai.

3.The petitioner is the defendant in the suit. The respondent herein has filed a suit against the petitioner for permanent injunction in O.S.No.236 of 2011. The respondent filed a petition to reopen the evidence on his side and the petition was allowed on payment of cost of Rs.500/- (Rupees Five Hundred only). Against the order, the petitioner has filed this petition.

4.On the side of the petitioner, it is stated that on 05.04.2014, the case was posted for arguments and the petitioner was ready for arguments and at that time, the respondent has filed a petition to reopen the case and the same was allowed and again, the respondent filed another petition on 09.07.2014 in I.A.No.590 of 2014 for amendment of the petition. The only aim of the respondent is to drag on the case and purposely the respondent has filed so many petitions to defeat the interest of justice and prayed the



petition to be allowed.

5. On the side of the respondent, it is stated that the petitioner due to ill health was not able to bring additional witness on 08.04.2014 and the evidence was closed on that day. The case is to be reopened for his side evidence and prayed to dismiss this petition.

6. Records perused. No prejudice is stated to be caused to the petitioner in examination of additional witnesses. There is nothing to interfere in the order passed by the lower Court. In this above circumstances, this Civil Revision Petition is allowed. No Costs. Consequently, M.P. (MD) No. 1 of 2015 is closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS II)

Mrn

To

1. The District Munsif, Pudukottai.

1CC TO MR. B. JAMEEL ARASU, ADVOCATE SR 84600

NM RSK SAR 2

23 10 2018

2P 3C

C.R.P. (PD) (MD) No. 251 of 2015

17.09.2018