



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.08.2018

CORAM

WEB COPY

**THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN**C.R.P. (MD) .No.2404 of 2017 and  
C.M.P. (MD) No.11432 of 2017

S.Balraj

... Revision Petitioner/  
1<sup>st</sup> Petitioner/4<sup>th</sup> Defendant**Vs.**

1. J.Vallikkannu
2. J.Packiaraj
3. J.Ganesan

... Respondents 1 to 3/  
Respondents 1 to 3/Plaintiffs

4. Amsu
5. V.Kanagaraj
6. V.Balasubramanian

... Respondents 4 to 6/  
Respondents 4 to 6/  
Defendants 1 to 3

7. T.Gunasekaran

... 7<sup>th</sup> Respondent/2<sup>nd</sup> Petitioner/  
5<sup>th</sup> Defendant

**PRAYER** : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 04.11.2017 rendered in I.A.No.877 of 2017 in O.S.No.841 of 2011 on the file of the learned Principal District Munsif, Thiruchirappalli.

For Petitioner : Mr.V.Sankara Narayanan

**O R D E R**

Respondents 1 to 3 herein instituted O.S.No.841 of 2011 on the file of the Court of the Principal District Munsif, Thiruchirappalli.

2. It is a suit for declaration and permanent injunction. Even as the suit number would indicate, it was filed way back in 2011. The Revision petitioner herein is shown as the fourth defendant in the said suit. The Revision petitioner along with the fifth respondent herein filed a joint written statement. Issues were framed. Trial commenced. The plaintiffs' side evidence was closed.



Thereafter, it was the turn of the defendants to commence their evidence. At that stage the Revision petitioner filed I.A.No.877 of 2017 under Order 6 Rule 16 and Section 151 of C.P.C. The said application was taken out to strike out certain pleadings. The learned trial Munsif dismissed the same by order dated 04.11.2017 on the ground that the defendants without coming forward to let in their side evidence have chosen to file this application after the Court closed their evidence and posted the case for arguments.

3. This Court fully concurs with the finding given by the trial Court that the object of filing I.A.No.877 of 2017 was only to drag on the proceedings. No exception can be taken to the order passed by the Court below.

4. Therefore, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar(CS-III)

**To**

1. The Principal District Munsif,  
Thiruchirappalli.
2. The Record Keeper, V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai. (2 Copies)

PMU

TE/RP/SAR-3 : 21/08/2018 : 2P/4C

ORDER MADE IN  
C.R.P. (MD) .No.2404 of 2017 and  
C.M.P. (MD) No.11432 of 2017  
06.08.2018