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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD)No.1568 of 2016 (PD)

and

CMP(MD)No.7632 of 2016

Nabeesath Beevi ... Petitioner/Petitioner/Plaintiff
Vs.

1.Vellappan
2.Vijayan ... Respondents/Respondents/Defendants 1 & 2

Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decreetal order passed in I.A.No.36 of 2016 in O.S.No.100 of 2010 dated 28.03.2016 on the file of the II Additional District Munsif, Kuzhithurai.

For Petitioner : Mr.K.Sreekumaran Nair
For Respondents : Mrs.J.Anandhavalli for R1
R2 - No appearance

ORDER

The plaintiff in O.S.No.100 of 2010 on the file of the II Additional District Munsif Court, Kuzhithurai is the revision petitioner. It was a suit for declaration of the plaintiffs absolute right over the B Schedule property and for consequential permanent injunction. The revision petitioner filed a petition for amending the plaint. It was allowed. Thereafter, the defendants filed additional written statement on 18.03.2014. The trial commenced on 09.06.2014 when the plaintiff's husband was examined. After the conclusion of the trial and the matter was substantially argued and when the case was posted for reply argument by the plaintiff's counsel, the present I.A.No.36 of 2016 was filed. The plaintiff wanted to re-open the case so as to adduce further evidence. The court below dismissed the same by order dated 28.03.2016. The correctness of the said order is under challenge in this Civil Revision Petition.

2.Heard the learned counsel on either side.

3.This Court is of the view that the court below was right in dismissing the I.A in question. Sufficient opportunity was given to the plaintiff to prove her case. The I.A in question was filed when the matter was posted for reply arguments of counsel for the plaintiff. This Court is also of the view that the plaintiff wants to drag on the suit proceedings. The reasons given by the court below are sound in law and acceptable. There is no merit in this Civil Revision Petition.



4.This Civil Revision Petition stands dismissed. No costs.
Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(crl side)

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/True Copy/

Sub Assistant Registrar(CS-II)

To

The II Additional District Munsif, Kuzhithurai.

+1cc to Mr.K.Sreekumaran Nair, Advocate Sr.No.78365

+1cc to Mrs.J.Anandhavalli, Advocate Sr.No.78603

SKM

VB/SV/SAR2/10.09.2018/2P/4C

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