



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (PD) (MD) .Nos.1734, 1735 and 1736 of 2016

1.Palayam Sadak Mohamed Lebbai Ayub
2.Palayam Sadak Ahamed Rafeek
3.Mohamed Azhara
4.Sadak Habeen ... Petitioners in all CRPs

Vs.

1.Mariappan

2.Vijayan ... Respondents in all CRPs

PRAYER in CRP(MD)No.1734 of 2016 : Petition filed under Article 227 of Constitution of India, to allow the Civil Revision Petition by setting aside the fair order and decreetal order passed in I.A.No.221 of 2016 in O.S.No.179 of 2009 dated 10.06.2016 on the file of the Principal Sub Court, Tirunelveli.

PRAYER in CRP(MD)No.1735 of 2016: Petition filed under Article 227 of Constitution of India, to allow the Civil Revision Petition by setting aside the fair order and decreetal order passed in I.A.No.222 of 2016 in O.S.No.179 of 2009 dated 10.06.2016 on the file of the Principal Sub Court, Tirunelveli.

PRAYER in CRP(MD)No.1736 of 2016: Petition filed under Article 227 of Constitution of India, to allow the Civil Revision Petition by setting aside the fair order and decreetal order passed in I.A.No.223 of 2016 in O.S.No.179 of 2009 dated 10.06.2016 on the file of the Principal Sub Court, Tirunelveli.

For petitioners : Mr.K.Karthick

For R1 : No appearance

For R2 : Mr.T.Selvan

(in all CRPs)

ORDER

The plaintiffs in O.S.No.179 of 2009 on the file of the Principal Sub Court, Tirunelveli are the revision petitioners herein. The suit has been filed for the relief of declaration and permanent prohibitory injunction. The plaintiffs filed three I.As., for reopening the evidence on their side, recalling P.W.1 and to receive a document. All the three I.As., were dismissed on 10.06.2016. Challenging the same, three Civil Revision Petitions were filed.



2.Heard learned counsel on either side.

3.The learned counsel appearing for the revision petitioners pointed out that this document is necessary to establish the fact that their father was a resident of Kayalpattinam Village and not Madurai.

4.The Court below has observed that the suit is of the year 2009 and that the P.W.1 was examined in the year 2011. After the entire trial was over and the matter was posted for argument, at that stage, these applications were filed. The Court below has also pointed out that the plaintiffs had earlier filed I.As., for recalling P.W.1 as well as D.W.2. Those applications were dismissed on 22.04.2016. Thereafter, the present set of I.As., were filed.

5.Therefore, the Court below was justified in taking the view that these applications have been filed to drag on the proceedings. That apart, there is absolutely no explanation put forth by the revision petitioners as to why the documents were not projected earlier.

6.Concurring with the reasons assigned by the Court below, these Civil Revision Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-II)

pnn

To

1.Principal Sub Judge,
Tirunelveli.

2.Record Keeper, (2 Copies)
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.Selvam, Advocate in SR No.84130

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