



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1848 of 2018

and

C.M.P. (MD) .No.8106 of 2018

WEB COPY

V.Gunapandian

.. Petitioner/

2nd Petitioner / 2nd Plaintiff

vs.

1.Dharmaraj

2.Gunavathi

Palkani (died)

3.Selvasaroja

Selvasundari (Died)

4.Vasanthadevi

5.Selvajothi

6.Om Sankar

.. Respondent Nos.1 to 6 /

Respondents/ Defendants

7.V.Amarsingh

8.V.Selvinraj

9.V.Jeyavel

10.V.Ponvel

.. Respondent Nos.7 to 10 /

Petitioner Nos.1,3,4 & 5 /

Plaintiff Nos.1,3,4 & 5

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 06.08.2018 passed in I.A.No.535 of 2015 in O.S.No.159 of 2008 on the file of the Subordinate Court, Thoothukudi.

For Petitioner : Mr.R.J.Karthick

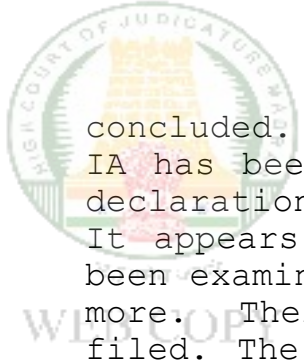
ORDER

The second plaintiff in O.S.No.159 of 2008 on the file of the Sub Court, Tuticorin is the revision petitioner herein. The suit has been filed seeking the relief of declaration that certain documents are null and void. In the said suit, the plaintiffs filed I.A.No.535 of 2015 seeking leave to adduce further evidence. The said IA was dismissed by order, dated 06.08.2018. The correctness of the said order is questioned in this petition.

2. Heard the learned counsel for the petitioner, who reiterated all the contentions set out in the memorandum.

<https://hcservices.ecourts.gov.in/hcservices/>

3. I am unable to agree the same. As observed by the Court below, the suit is of the year 2008. Evidence on either side has



concluded. The matter is posted for arguments. At this stage, this IA has been taken out. The suit has been instituted for getting a declaration that the documents of the year 2001 are null and void. It appears that one of the witnesses of the documents has already been examined on the side of the defendants. The other witness is no more. Therefore, no purpose will be served by allowing the IA now filed. The reasons given by the Court below for dismissing the IA are definitely correct and if it is allowed, it will contribute to further delay in the conclusion of the suit proceedings.

4. This Civil Revision Petition stands dismissed accordingly. No Costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Sub Judge, Thoothukudi.

- 1 CC TO Mr.R.J.Karthick, ADVOCATE IN SR No. 81682.

pjl

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