

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD).No.446 of 2019
and
C.M.P.No.2989 of 2019

1.S.Ravichandran
2.R.Vijayalakshmi

Petitioners

-vs-

Mannaidevan

Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Fair and Decreetal order dated 26.11.2018, passed in I.A.No.268 of 2018 in O.S.No.99 of 2011, on the file of the learned District Munsif -cum- Magistrate, Nidamangalam and allow the above revision.

For Petitioners : Mrs.A.B.Reehana Begum

ORDER

The plaintiffs are the revision petitioners before this Court. The above Civil Revision Petition is filed challenging the order of the learned District Munsif -cum- Magistrate, Nidamangalam, dismissing I.A.No.268 of 2018 in O.S.No.99 of 2011 filed by the plaintiffs for granting the relief to examine three witnesses on his side. The said application has been taken when the matter is posted for evidence. The learned District Munsif -cum- Magistrate, Nidamangalam, has in Paragraph 22 of the order narrated various petitions that have been taken by the petitioners which has acted in protracting the proceedings. After five years of filing of the suit, the matter was posted for trial on 25.01.2018. The plaintiff had taken several adjournments and on 12.02.2018, since the plaintiffs as well as their counsel were not present the suit was dismissed for default. Thereafter, the plaintiffs had filed I.A.No.62 of 2018 to restore the suit. After the said application was allowed, several adjournments were taken by the plaintiffs to get into the box then on 18.06.2018, the 1st plaintiff has given evidence as P.W.1 and marked Ex.A.1 to Ex.A.10. Thereafter, the matter was adjourned on nine occasions since the 1st plaintiff had not submitted himself for cross examination. On 13.08.2018, the

cross examination of the plaintiff was concluded finally and the matter was posted for further evidence. Since there was no other evidence the defendant's evidence has commenced and D.W.1 has been examined in Chief and Ex.B.1 and Ex.B.2 were marked. The matter was adjourned on five occasions for the cross examination of D.W.1 by the plaintiffs and on all occasions, D.W.1 has been present. On 24.09.2018, the plaintiffs had partly cross examined the defendant and the matter was adjourned to 22.10.2018 and the cross examination was completed. On 25.10.2018, the defendants had stated that they have no further evidence and the matter was adjourned for arguments on 01.11.2018 and 18.11.2018 and both the days, the plaintiffs had taken time. Thereafter, the plaintiffs have come forward with the present application.

2.Considering the conduct of the plaintiffs as narrated in the order, I find no infirmity in the order passed by the the learned District Munsif -cum- Magistrate, Nidamangalam.

This Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mps

To

The District Munsif -cum- Magistrate,
Nidamangalam.

+1 cc to Mr.A.B.Reehana Begam, Advocate, S.R.No.11049

RR(CO)
SSM(19/03/2019).

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