

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2019

CORAM

THE HONOURABLE Ms.JUSTICE P.T.ASHA

CRP.(PD)Nos. 947 & 948 of 2019
and
CMP.No.6203 of 2019

Velu

Petitioner/1st defendant
in above CRPs.

Vs

- 1.Karuppannan
2. Anbalagan
3. Shanmugam
4. Abhimannan
5. Yuvraj
6. Anjhala

Respondents/paintiff &
defendants 2,4,3,5 & 6
in above CRPs.

PRAYER in CRP.No. 947 of 2019: Civil Revision Petition is filed under Article 227 of the Constitution of India praying to allow the Civil Revision Petition setting aside the Fair and Decreetal Order of the learned I Additional District Munsif, Bhavani dated 09.01.2019 in I.A.No.452 of 2018 in O.S.No.149 of 2012 and to order the I.A. as prayed for.

PRAYER in CRP.No.948 of 2019 Civil Revision Petition is filed under Article 227 of the Constitution of India praying to allow the Civil Revision Petition setting aside the Fair and Decreetal Order of the learned I Additional District Munsif, Bhavani dated 09.01.2019 in I.A.No.453 of 2018 in O.S.No.149 of 2012 and to order the I.A. as prayed for.

For Petitioner :Mr. T.M. Hariharan

COMMON ORDER

The above Civil Revision petitions are filed challenging the dismissal of the Petitions filed by the first defendant for reopening and recalling the evidence of PW1 and DW 1 and 2. The only reason that has been adduced for seeking the reopening is that the defendants 2 to 5 had filed the written statement on behalf of the first defendant without his concurrence and that

only if the plaintiff and the defendants are cross examined by the 1st defendant, the truth would come out. The applications have been very strongly opposed by the defendants including the vendors of the first defendant.

2. The learned I Additional District Munsif, Bhavani by order dated 09.01.2019 was pleased to dismiss the applications by stating that the very reasons stated in the affidavit are untenable because till the stage of arguments, the revision petitioner had engaged the very same counsel and there appears to be no complaint against the erstwhile counsel in his affidavit.

3. Challenging the said orders, the revision petitioner is before this Court.

4. Heard Mr. T.M. Hariharan, learned counsel for the petitioner, who would argue that the reasons for filing the above application was only on account of the fact that the vendors of the first defendant/revision petitioner had started colluding with the plaintiff and that they had filed the written statement without the concurrence of the revision petitioner and that apart the first defendant/revision petitioner had to independently prove his case.

5. Heard the counsel and perused the papers. From the perusal of the papers, it is seen that the written statement has been filed as early as in the year 2012. The first defendant/revision petitioner has himself filed the written statement somewhere in the year 2012 and his written statement was adopted by the second respondent. The 4th defendant has filed the written statement on 23.11.2012 and the same has been adopted by defendants 3 and 5. The 6th defendant has filed his written statement on October 2012. Therefore, the contention that the written statement has been filed by the other defendants with the concurrence of the 1st defendant has been appears to be incorrect, since from the records, it is seen that the first respondent has himself filed the written statement and that has been adopted by the second defendant. Further no reason whatsoever is given in the affidavit filed in support of the impugned petitions for reopening the evidence of PW1. I find no infirmity in the order passed by the learned District Munsif, Bhavani.

6. Accordingly, Civil Revision Petitions stand dismissed.
No costs. Consequently connected Miscellaneous Petition is
closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mrn

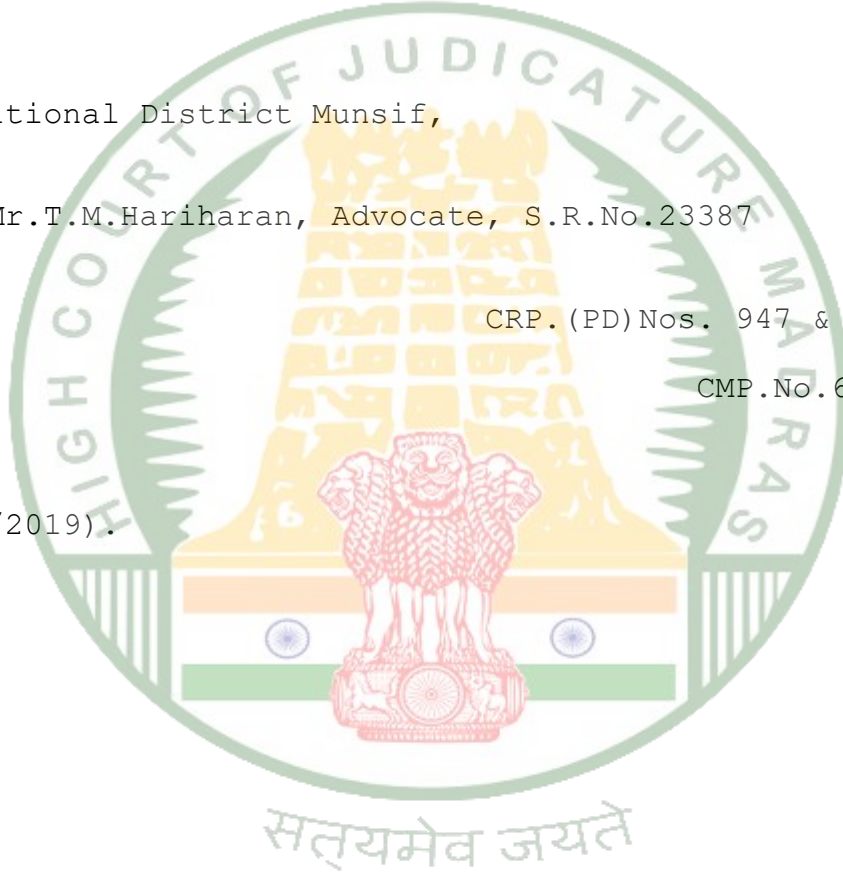
To

The I Additional District Munsif,
Bhavani.

+1 cc to Mr.T.M.Hariharan, Advocate, S.R.No.23387

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and
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JP (CO)
SSM(09/04/2019).



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