

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.No.4143 of 2019

and

C.M.P.No.26994 of 2019

K.N.Ananthakrishnan

.. Petitioner/Plaintiff

Vs.

The Manager,
Indian Bank - Kovalam Branch,
Mahabalipuram Road,
Kovalam - 603 112.

.. Respondent/Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the fair order and decretal order dated 06.08.2019 made in I.A.No.1 of 2019 in O.S.No.113 of 2013 on the file of the learned Principal Subordinate Judge, Chengalpattu.

For Petitioner : Mr.S.Balasubramanian

For Respondent : Mr.L.Ramkumar

O R D E R

Present revision has been filed against the order dismissing the petitioner's application filed under Order XVIII Rule 17 of C.P.C. to reopen the plaintiff side evidence in O.S.No.113 of 2013 to examine the Engineer who has filed a report which has been marked as Ex.A4.

2. The petitioner/landlord has filed the suit in O.S.No.113 of 2013, on the file of the learned Principal Subordinate Judge, Chengalpattu, for recovery of possession and also for damages. Pending suit, admittedly the respondent/tenant has vacated the premises and now damages alone is contested. Earlier, the plaintiff examined himself as P.W.1 in the year 2014 and he has also marked a report submitted by the Engineer as Ex.A4. Thereafter, evidence was closed. After the arguments were over, the petitioner has come up with the present application to

reopen the evidence and to examine the Engineer who has given the report. The trial Court dismissed the application holding that the petition has been filed only to drag on the proceedings as the evidence were closed and arguments on the side of the petitioner was over. Now, challenging the said dismissal order, present revision has been filed.

3. Heard the learned counsel appearing for the parties and also perused the records carefully.

4. As rightly held by the trial Court the report has been marked as Ex.A4 through P.W.1 in the year 2014 itself. Thereafter, the evidence was closed and the matter was posted for arguments by the parties. At that stage, the petitioner has filed the present application and the trial Court after considering the same came to the conclusion that the petitioner has filed the said application only to drag on the proceedings and no purpose will be served by examining the Engineer. This Court does not find any illegality or irregularity in the same as the trial Court has rightly dismissed the application. There is no merit in the revision and the same is liable to be dismissed.

5. In the result, the civil revision petition is dismissed and the fair order and decretal order of the Court below, impugned in this revision petition, are hereby confirmed. Considering the fact that arguments are over, the learned Principal Subordinate Judge, Chengalpattu, is directed to dispose of the suit in O.S.No.113 of 2013, on merits and in accordance with law, after giving opportunity to both the parties, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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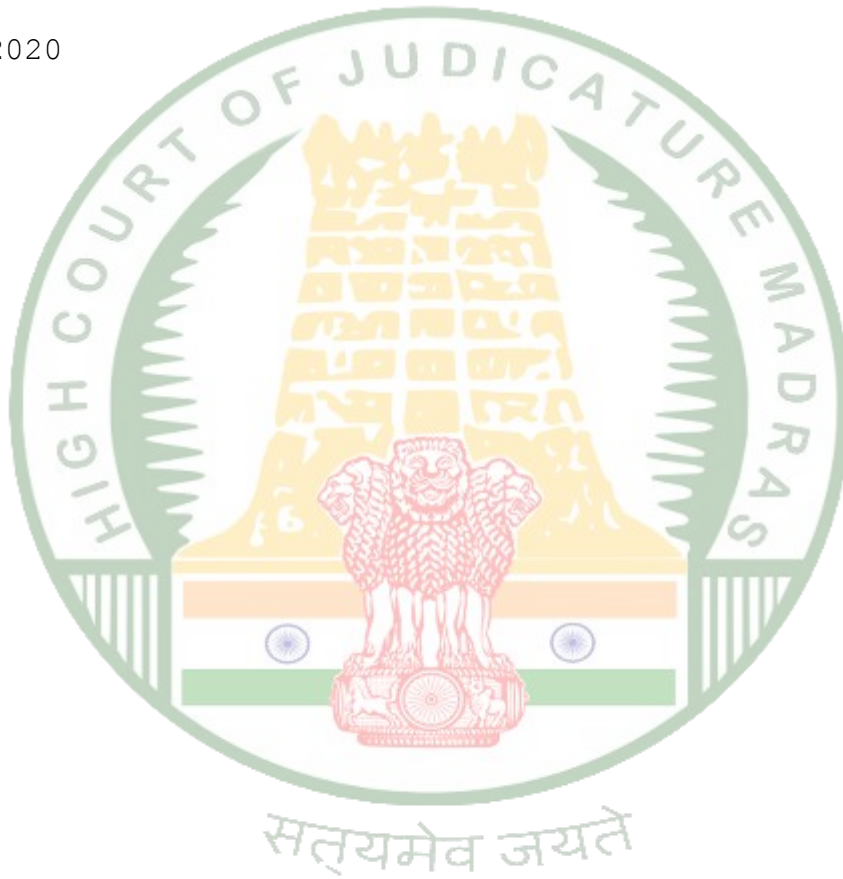
The Principal Subordinate Judge,
Chengalpattu.

+1cc to Mr.L.Ramkumar, Advocate sr.105373

+2cc to Mr.S.Balasubramanian, Advocate sr.105151

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