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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

C.R.P. (MD) (PD) .Nos.456, 457 and 458 of 2019
and
CMP (MD) .No.2321 of 2019

K.Nagarajan :Petitioners in all C.R.Ps.

Vs.

1.Kamalam Ammal

2.Govindarajan :Respondents in all C.R.Ps.

Prayer in C.R.P. (MD) (PD) .No.456 of 2019: The Civil Revision Petition has been filed under Article 227 of Civil Procedure Code against the order dated 04.01.2019 made in I.A.No.863 of 2018 in O.S.No.16 of 2010 on the file of the District Munsif Court, Thiruppathur, Sivagangai.

Prayer in C.R.P. (MD) (PD) .No.457 of 2019: The Civil Revision Petition has been filed under Article 227 of Civil Procedure Code against the order dated 04.01.2019 made in I.A.No.864 of 2018 in O.S.No.16 of 2010 on the file of the District Munsif Court, Thiruppathur, Sivagangai.

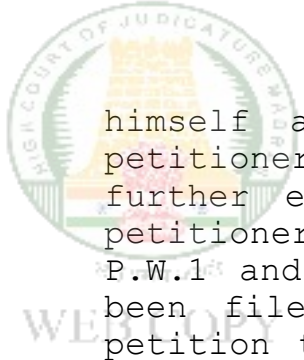
Prayer in C.R.P. (MD) (PD) .No.458 of 2019: The Civil Revision Petition has been filed under Article 227 of Civil Procedure Code against the order dated 04.01.2019 made in I.A.No.895 of 2018 in O.S.No.16 of 2010 on the file of the District Munsif Court, Thiruppathur, Sivagangai.

For Petitioner : Mr.S.Saravanakumar
(in all C.R.Ps.)

COMMON ORDER

These Civil Revision Petitions have been filed against the order dated 04.01.2019 made in I.A.Nos.863, 864 and 895 of 2018 in O.S.No.16 of 2010 on the file of the District Munsif Court, Thiruppathur, Sivagangai.

2.The petitioner has filed I.A.Nos.863, 864 and 895 of 2018 on the file of the District Munsif Court, Thiruppathur, Sivagangai. It is contended that the petitioner and the first defendant have examined as P.W.1 and D.W.1. Now the plaintiff



himself and Kamalam Ammal have to be examined. Further, the petitioner himself has come forward before the Court below for further examining the defendant and himself and therefore, the petitioner has filed I.A.Nos.863 and 864 of 2018 for recalling P.W.1 and D.W.1 for further examination. I.A.No.895 of 2018 has been filed by the petitioner stating that already he filed a petition to implead the Tamil Nadu Government as a party and the said petition was dismissed on the ground that the petitioner has not filed necessary documents to support the claim made in the said petition. Now those documents are obtained by him and the said documents are very much essential to prove his case. Hence, this petition has been filed to condone the delay in filing the list of documents.

3.A counter statement has been filed by the first defendant stating that the reason for reopening the case and recalling the witnesses and especially, for further examination of the witnesses has not been stated by the petitioner in all three Interlocutory applications. The respondent/defendant has contended that the purpose for examining them and reopening the petitioner has not been clearly stated by the petitioner.

4.The learned counsel further contended that the reason for reopening the case for further examination of the said witnesses has not been clearly stated by the petitioner. In the other petitions also, the petitioner has not stated about the manner in which the documents are going to be filed belatedly. He further contended that the previous I.A was dismissed because non furnishing of necessary documents. According to him, though the documents are obtained by the petitioner, the petitioner has not stated any reason for filing those documents in the I.As. and filed the application to condone the delay for filing application for reopening the case and for arguments.

5.The Court below also observed that the case stands in the stage of arguments. Now, the grievance of the petitioner is that at any point of time, the petitioner is entitled to file this petition for filing additional documents under Order 7 Rule 14 C.P.C. However, the petitioner has not stated about the relevancy of the documents to be produced along with the petition. The Court below has also observed that the documents have been filed belatedly.

6.On perusal of the documents, it is seen that the petitioner has filed the suit for passing preliminary decree for partition instead of filing for declaration to declare that the Will executed by his father as null and void. The suit was filed in the year 2010 and now the case stands at the stage of arguments. But the petitioner has filed the said I.As for further examination and recalling the witnesses to prove his case belatedly. Hence, the order dated 04.01.2019 made in I.A.Nos.863, 864 and 895 of 2018 in O.S.No.10 of 2010 passed by the District Munsif Court, Thiruppathur, Sivagangai has not required any interference and the



same is confirmed. Accordingly, the Civil Revision Petitions are dismissed. No costs. Consequently, CMP(MD).No.2321 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

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Sub Assistant Registrar (CS)

vsg

To
The District Munsif Court,
Thiruppathur, Sivagangai.

Order Made in
C.R.P. (MD) (PD) .Nos.456, 457 and 458 of 2019
and

CMP (MD) .No.2321 of 2019

Dated:- 06.03.2019

kmv (CO)
TR (28.05.2019) 3P 2C