

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P. (PD)s 118 to 121 of 2020

and
C.M.P. 736 of 2020

D.Kathirvel

... Petitioner in
all C.R.P.s

Versus

1. A.Duraisamy

2. P.Karuppusami

3. K. Escort @ Nataraj @ Karuppusami

... Respondents
in all C.R.P.s

PRAYER in C.R.P. PD 118 of 2020 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 16.10.2019 in I.A. 1 of 2019 in O.S. 83 of 2012 on the file of Sub-Court, Perundurai.

PRAYER in C.R.P. PD 119 of 2020 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 16.10.2019 in I.A. 2 of 2019 in O.S. 83 of 2012 on the file of Sub-Court, Perundurai.

PRAYER in C.R.P. PD 120 of 2020 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 16.10.2019 in I.A. 3 of 2019 in O.S. 83 of 2012 on the file of Sub-Court, Perundurai.

PRAYER in C.R.P. PD 121 of 2020 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the fair and final order dated 16.10.2019 in I.A. 4 of 2019 in O.S. 83 of 2012 on the file of Sub-Court, Perundurai.

For Petitioner : Mr.S.Kaithamalai Kumaran

ORDER

C.R.P. PD 118 of 2020

This Civil Revision Petition has been filed against the order passed in I.A. 1 of 2019 in O.S. 83 of 2012 dismissing the petitioner's application to re-open the plaintiff's evidence.

C.R.P. PD 119 of 2020

This Civil Revision Petition has been filed against the order passed in I.A. 2 of 2019 in O.S. 83 of 2012 dismissing the petitioner's application to recall P.W.1 to mark certain documents.

C.R.P. PD 120 of 2020

This Civil Revision Petition has been filed against the order passed in I.A. 3 of 2019 in O.S. 83 of 2012 dismissing the petitioner's application filed under Order 11 Rule 14 of C.P.C. directing the defendant to produce certain documents.

C.R.P. PD 121 of 2020

This Civil Revision Petition has been filed against the order passed in I.A. 4 of 2019 in O.S. 83 of 2012 dismissing the petitioner's application seeking to condone the delay in filing the additional documents in the suit.

2. The petitioner is the Plaintiff in the suit. The suit has been filed seeking damages for a sum of Rs. 3,00,000/-, on the ground that the respondents have damaged the petitioner's borewell, thereby causing loss to the petitioner. After closing the evidence, the suit is posted for arguments. At this stage, the present applications have been filed seeking for the above relief. That applications came to be dismissed by the Trial Court. Challenging the same, the present Civil Revision Petitions have been filed.

3. I have heard and considered the submission made by Mr.S.Kaithamalai Kumaran, learned counsel appearing for petitioner and perused the records carefully.

4. The suit has been filed seeking for damages on the ground that, the defendants have damaged the petitioner's borewell, thereby causing loss to the petitioner. Admittedly, the plaintiff's evidence was commenced in the year 2014, and the same was closed in the year 2018. The defendants were also examined, and after closing the evidence, the suit is posted for arguments. At this stage, the present applications have been filed. The petitioner already filed application in the year 2018 for the similar relief to reopen the suit in I.A. 1088/2018, that application has been earlier dismissed, and that was not challenged. In the above circumstances, the present applications have been filed, that too after closing of evidence and the suit is posted for arguments, which are not maintainable. The Trial Court has rightly dismissed all the applications. I find no illegality or irregularity in the orders passed by the court below,

and I find no merit in these Civil Revision Petitions. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

22.01.2020

Index:Yes/No
Internet:Yes
Speaking/Non-speaking order
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To

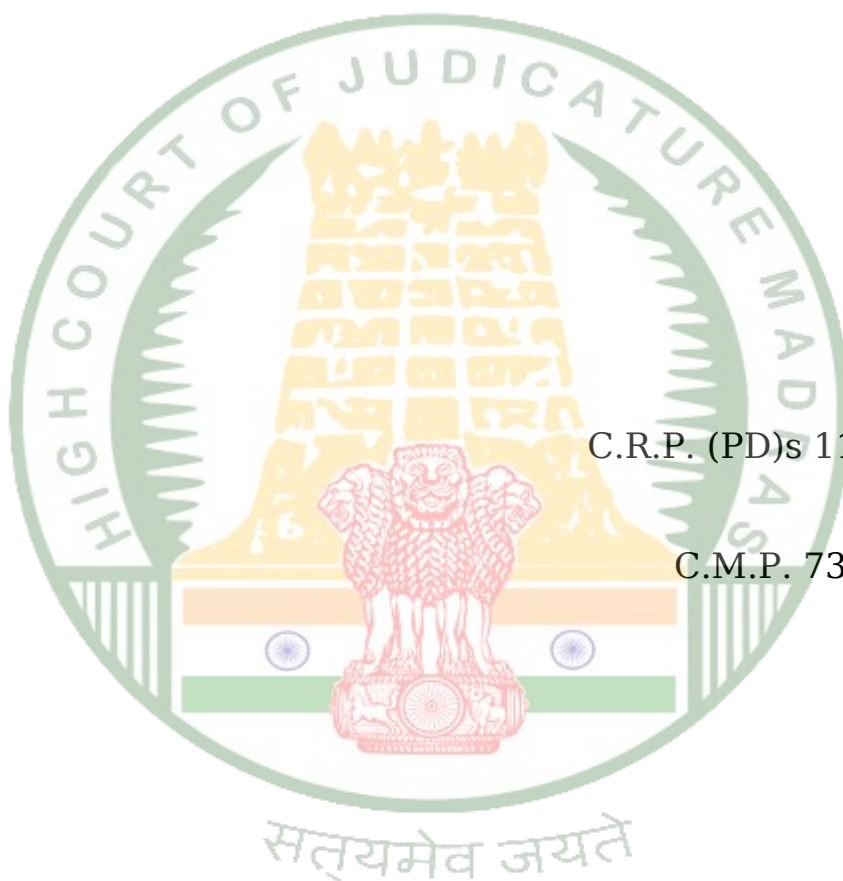
Sub-Judge,
Perundurai.



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V.BHARATHIDASAN,J.

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