

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2020

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

C.R.P.PDs 850, 855 & 880 of 2020
and
C.M.P.s 4535, 4543 & 4673 of 2020

1. R.Krishnan
2. Jayalakshmi

... Petitioners
in all C.R.P.s

Versus

Udhayakumar

... Respondent
in all C.R.P.s

PRAYER in C.R.P.PD 850 of 2020 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the Order dated 18.10.2019 passed in I.A. 990 of 2019 in O.S. 35 of 2014 by the Hon'ble III Addl. District Judge at Puducherry.

PRAYER in C.R.P.PD 855 of 2020 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the Order dated 18.10.2019 passed in I.A. 989 of 2019 in O.S. 35 of 2014 by the Hon'ble III Addl. District Judge at Puducherry.

PRAYER in C.R.P.PD 880 of 2020 : Civil Revision Petition is filed under Art. 227 of Constitution of India, praying to set aside the Order dated 18.10.2019 passed in I.A. 988 of 2019 in O.S. 35 of 2014 by the Hon'ble III Addl. District Judge at Puducherry.

For Petitioner : Mr.P.Veeraraghavan

ORDER

These Civil Revision Petitions have been filed against the order dismissing the petitioners' applications seeking to reopen plaintiff's evidence, in I.A. 988 of 2019, to issue summons to the witnesses to produce documents in I.A.989 of 2019, and also to receive additional evidence in I.A. 990 of 2014.

2. The petitioners are the plaintiffs in a suit. The plaintiffs have filed a suit for declaration and also for recovery of possession. In the above suit, after commencement of trial, the above said applications have been filed for the purpose of examining the Tahsildar, and Director of Survey and Land Records, Government of Puducherry, to give evidence. That applications came to be dismissed by the Trial Court. Challenging the same, the present Civil Revision Petitions have

been filed.

3. I have considered the submissions made by learned counsel appearing for petitioners and perused the records carefully.

4. The suit has been filed for declaration and for recovery of possession. In the suit, the trial commenced, now, after closing of evidence, the suit is listed for arguments, at this stage, the above applications have been filed for the purpose of examining those witnesses in respect of a proceedings initiated under Sec.145 of Crl.P.C., the order, which has been marked as Ex.A7. The Trial Court, after considering entire materials, has dismissed the applications stating that, the order under Sec.145 Cr.P.C. has been passed in respect of maintaining peace. When the plaintiffs themselves admitting possession of defendant, and the identity of the property is also not in dispute, no purpose would be served by examining the Tahsildar for giving evidence on their side. I have also gone through the materials, I find no illegality or irregularity in the order 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.

28.02.2020

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

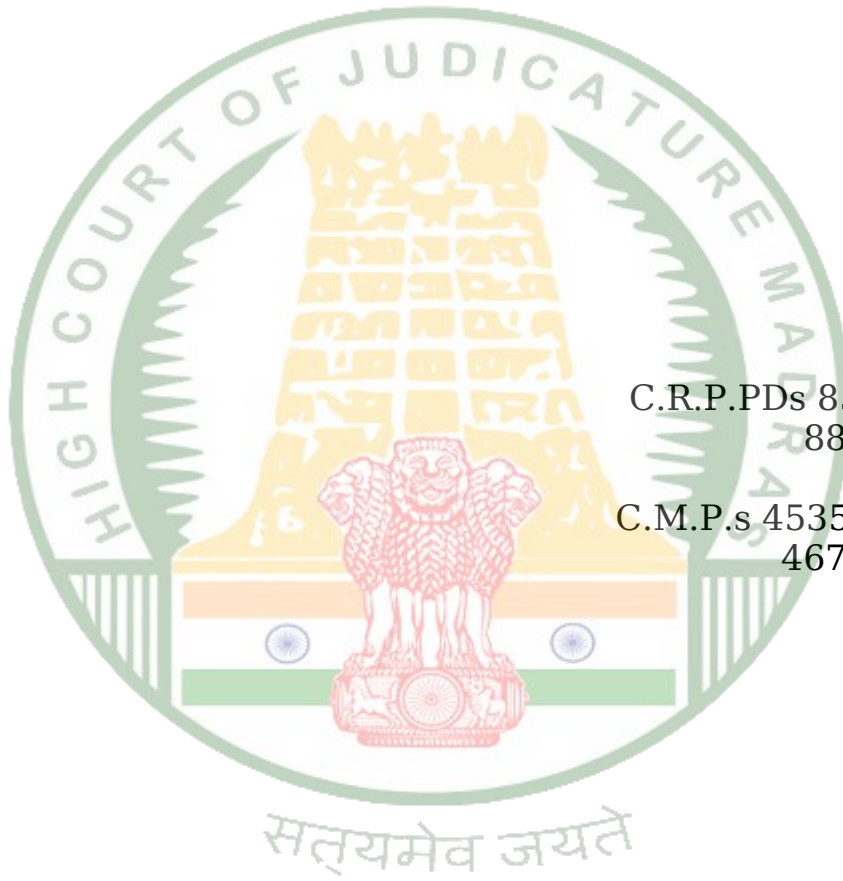
III Addl. District Judge,
Puducherry.



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V.BHARATHIDASAN,J.

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880 of 2020
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