

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.(PD) No.3378 of 2015
and
M.P.No.1 of 2015

Manoranjitham ... Petitioner

Vs.

1. Purushothama Naidu

2. Chinnamma

3. N.P.Kanniya

4. N.P.Babu

... Respondents

PRAYER : Civil Revision Petition filed under article 227 of Constitution of India praying to set aside the order and decreetal order dated 15.07.2015 made in I.A.No.267 of 2015 in O.S.No.213 of 2002 on the file of the District Munsif Court, Gudiyatham, Vellore District.

For Petitioners : Mr. V.M.Ramakkannan

ORDER

This Civil Revision has been filed against the order dismissing the petitioner's application filed under Section 151 of CPC to reopen the plaintiff's side evidence for examining the revenue officials.

2. The petitioner/plaintiff has filed a suit in O.S.No.213 of 2002 on the file of the District Munsif Court, Gudiyatham, for permanent injunction. Earlier, the suit was dismissed on 19.02.2008, against which, the petitioner filed an appeal in A.S.No.24 of 2008 on the file of the Sub-Court, Gudiyatham and the lower appellate Court, by an order dated 30.01.2014, allowed the appeal and remanded the matter to the trial Court for fresh trial . Thereafter, the petitioner filed a petition to appoint an Advocate Commissioner to measure the property with the help of surveyor and the same was allowed and the Commissioner has also filed his report. After trial, both side arguments also completed, and when the suit was for reply argument of the plaintiff, the present application has been filed under Section 151

CPC to reopen the evidence for the purpose of giving further evidence. That application came to be dismissed, against which, the present revision has been filed.

3. The learned counsel for the petitioner submitted that the very purpose of remand is only to appoint Advocate Commissioner to measure the property with the help of surveyor. Now, the Commissioner has measured the property with the help of the Surveyor and the report solely based on the revenue records and the measurement made by the surveyor. Hence, it is necessary to examine the revenue officials. Hence, the present revision has been filed.

4. I have heard the learned counsel for the petitioner and perused the materials available on record carefully.

5. First of all, the application has been filed under Section 151 CPC, which is not maintainable. It is seen from the prayer sought in the petition, the petitioner simply wants to reopen the case for further evidence and has not stated any valid reasons for examining the revenue officials. Considering all the

circumstances, the trial Court has rightly dismissed the application. Hence, I find no illegality or irregularity in the order passed by the revision.

6. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. Since the suit is pending from the year 2002, and the argument is almost over, the trial Court is directed to proceed with the suit and dispose the same on or before 20.03.2020.

13.01.2020

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

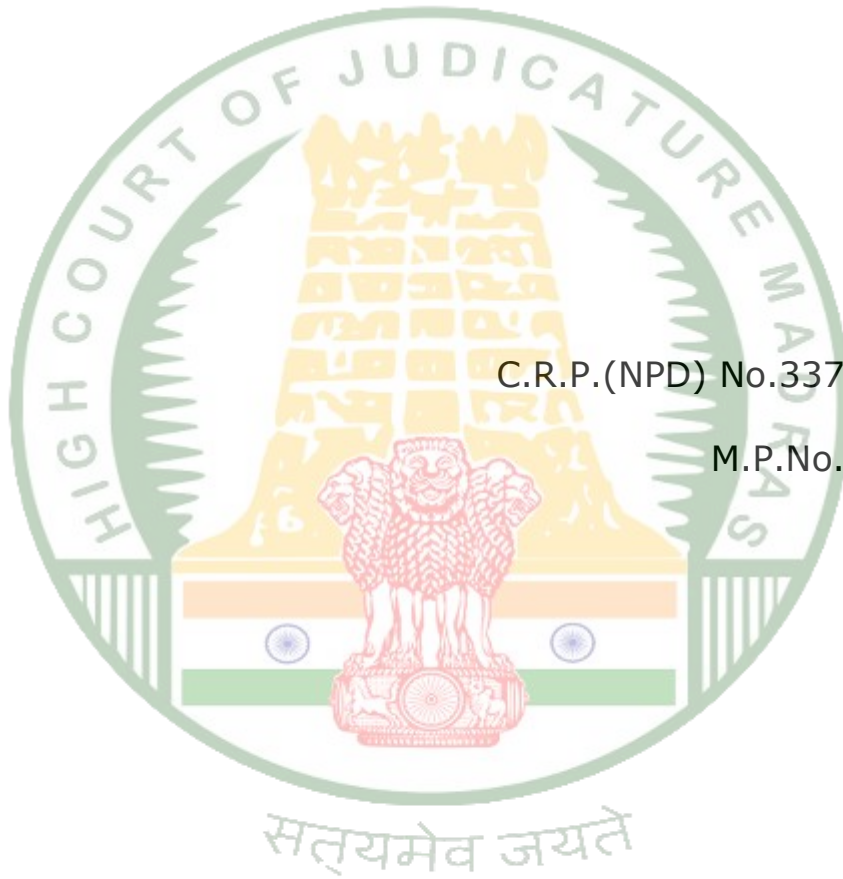
To
The District Munsif Court,
Gudiyatham, Vellore.

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C.R.P.(PD) No.3378 of 2015

V.BHARATHIDASAN, J

mrp



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