

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP (PD) No.923 of 2020 and
CMP No.4884 of 2020

Perumal ...Petitioner/Plaintiff

Vs

1. G.Dhanushkotti
2. P.G.Jayapal
3. D.Logeswaran
4. D.Kotteswaran
5. D.Maheswari

...Respondents/Defendants

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 16.04.2019 passed in I.A.No.1 of 2019 in O.S.No.231 of 2010 by the Subordinate Judge, Ranipet, Vellore District.

For Petitioner : Mr.T.P.Prabakaran

O R D E R

This Civil Revision Petition has been filed against the fair and decreetal order dated 16.04.2019 passed in I.A.No.1 of 2019 in O.S.No.231 of 2010 by the Subordinate Judge, Ranipet, Vellore District.

2. Originally the suit in O.S.No.7 of 2009 was filed before the Principal District Judge, Vellore and thereafter, it was renumbered as O.S.No.231 of 2010 on the file of the Subordinate Judge, Ranipet, Vellore District, in which the petitioner is the plaintiff and the respondents are the defendants. The above said suit was filed for specific performance and in that suit, trial conducted and recording evidence of both the parties was also concluded and then the matter was posted for arguments. At that stage, the petitioner filed an application in I.A.No.1 of 2019 to reopen the plaintiff side evidence to examine some more witnesses, so as to determine the issues involved in the suit. The above said petition was dismissed by the trial court. Against which, this civil revision petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the suit has been filed for specific performance and admittedly, both side evidence was closed and posted for arguments. However, the petitioner wanted to examine some more witnesses, whose evidence is very vital to decide the issues involved in the suit and hence, the order passed by the trial court is liable to be dismissed.

4. I have perused the affidavit filed by the petitioner and the counter statement filed by the respondent in I.A.No.1 of 2019. On perusal of the affidavit shows that the petitioner has not adduced sufficient reasons to re-open the side of the plaintiff to examine some more witnesses, who are the witnesses to the sale agreement, except stating as due to some circumstances, he could not examine the witnesses to the sale agreement. More over, that petition was filed at the stage of arguments. Therefore, this court do not find any illegality of perversity in the orders passed by the trial court and the petition is liable to be dismissed, as no merits.

5. Accordingly, this revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mst

To

The Subordinate Judge,
Ranipet,
Vellore.

+1 cc to M/s.T.P.Prabakaran, Advocate, S.R.No.19094

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RSI (CO)
RN(19/05/2020)