

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP(PD)NO.1124 AND 1125 OF 2020

1. Venkatesan
2. Rajeswari

... Petitioners/Plaintiffs
in both the petitions

...vs...

1. Madhammal
2. Manikandan
3. Ammakannu
4. Kandan @ Kndasamy
5. Selvaraj
6. Rathinavel
7. Manickavel

... Respondents/Defendants
in both the petitions

Prayer in CRP No.1124 of 2020:

This Civil Revision Petition has been filed under Section 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.3 of 2020 in O.S.No.279 of 2014 by the District Munsif, Mettur dated 11.02.2020.

Prayer in CRP No.1125 of 2020:

This Civil Revision Petition has been filed under Section 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.4 of 2020 in O.S.No.279 of 2014 by the District Munsif, Mettur dated 11.02.2020.

For Petitioner : Mr.S.S.Raghavan

COMMON ORDER

These revision petitions have been filed to set aside the orders passed by the District Munsif, Mettur in I.A.No.3 and 4 of 2020 in O.S.No.279 of 2014 dated 11.02.2020.

2. The petitioners herein are the plaintiffs in the above said suit and they have filed the suit for permanent injunction. In the suit, on the side of the plaintiffs, PW1 and PW2 were examined and on the side of the defendants, DW1 to DW3 were examined. While the case was posted for arguments, the petitioners have filed the above said petitions to re-open the case and to re-call the PW1 to adduce oral and documentary evidence. The Trial court dismissed the above said applications. Challenging the orders passed by the Trial court, these civil revision petitions have been filed.

3. Heard the learned counsel for the petitioner. I have perused the materials on record.

4. In the order, the Trial court has held that the petitioner has filed these application belatedly, that too after completing of defendant side evidence and at the stage of arguments. The trial court has also held that, if the petitions are allowed to reopen the case and to recall PW1, it would amounts to allow the petitioners to fill-up the lacuna and hence, that cannot be permissible under law. The Trial Court further held that in the affidavit, there is no whisper about the details on what purpose the petitioners wanted to recall the PW1 and to adduce evidence and what are all the documents to be marked.

5. A perusal of the records also reveals that the petitioners obtained orders from this court in CRP No.4588 of 2017 to dispose the suit within 6 months. However, the petitioners have not stated acceptable reason in the affidavit as to why they had not adduced documents, now sought to be marked at the time of examining the PW1. After discussing all the facts and circumstances in detail, the trial court has rightly dismissed the applications and hence this court do not find any illegality or infirmity to interfere in the orders passed by the Trial court.

6. Accordingly,

i) the Civil Revision Petition in CRP No.1124 of 2020 is dismissed. No costs. The orders passed by the Trial court is upheld.

ii) the Civil Revision Petition in CRP No.1125 of 2020 is dismissed. No costs. The orders passed by the Trial court is upheld.

iii) However, if any application is filed in respect of marking of documents filed by the Executive Officer, Nangavalli Panchayat, the Trial court is directed to consider the same in accordance with law.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mst

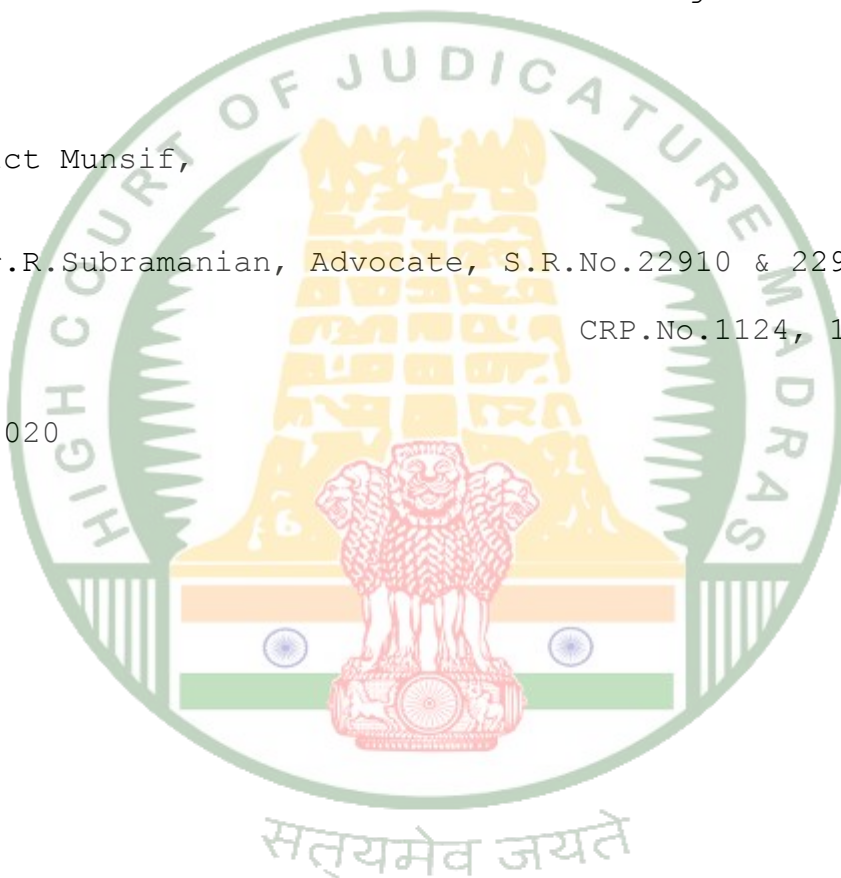
To

The District Munsif,
Mettur.

+2cc to Mr.R.Subramanian, Advocate, S.R.No.22910 & 22911

CRP.No.1124, 1125 of 2020

RJI (CO)
CS/21/07/2020



WEB COPY