

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.PD.No.334 of 2017
and
C.M.P.No.1506 of 2017

1. Meenakshiammal
2. E. Umamaheswari
3. E. Dhanalakshmi ... Petitioners

Vs.

1. S.P. Moorthy
2. M. Senkuttuvan
3. P. Kanniyappan ... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India to set-aside the order dated 06.09.2016 made by the learned District Munsif, Tiruvallur in I.A.No.1067 of 2015 in O.S.No.233 of 2010.

For Petitioners : Mr. V. Jeevagiridharan

For respondents : No appearance

ORDER

This Civil Revision has been filed against the order dismissing the petitioners' application filed under 151 CPC to reopen the suit for the purpose of filing an application under Order 16 Rule 10 CPC .

2. The petitioners/plaintiffs have filed a suit in O.S.No.233 of 2010 on the file of the District Munsif Court, Tiruvallur for permanent injunction. Pending suit, he filed an application to call for the First Information Report said to have given by the petitioners, and also to examine the Inspector of Police, the same has been allowed. According to the petitioners, thereafter, summons have also been issued to the witness, however, the witness did not appear, in the mean time the evidence was closed. Hence, he has filed an application under Section 151 CPC to reopen his evidence, and that application

came to be dismissed. Now, challenging the same, the present revision has been filed.

3. The present application has been filed under Section 151 CPC to reopen the suit for the purpose of filing an application under Order 16 Rule 10 CPC to take action against the witness for non appearance before the Court. A perusal of the records, it could be seen that the witness was present on 17.10.2014 and produced the documents, but the petitioners/plaintiffs were not present. Hence, the matter was adjourned to 29.10.2014 and on that date also, the witness was present from the morning, once again the plaintiffs were not present and the matter was passed over to 3.00 p.m., and when the matter was called, the petitioners not present. In these circumstances, his evidence was closed. The trial Court after considering all the above facts had rightly dismissed the application holding that the witness was present and produced document, only the plaintiffs were absent, and there is no necessity to reopen the suit for that purpose. Considering the above circumstances, I find no irregularity or

illegality in the order passed by the trial Court and I find no merit in the revision.

4. Accordingly, the Civil Revision Petition is dismissed. NO costs. Consequently, connected miscellaneous petition is closed. Considering the fact that the suit is pending from the year 2010 the trial Court is directed to proceed with the suit and dispose the suit within a period of six months from the date of receipt of a copy of this order.

07.01.2020

Index:Yes/No

Internet:Yes

Speaking/Non-speaking order
mrp

To

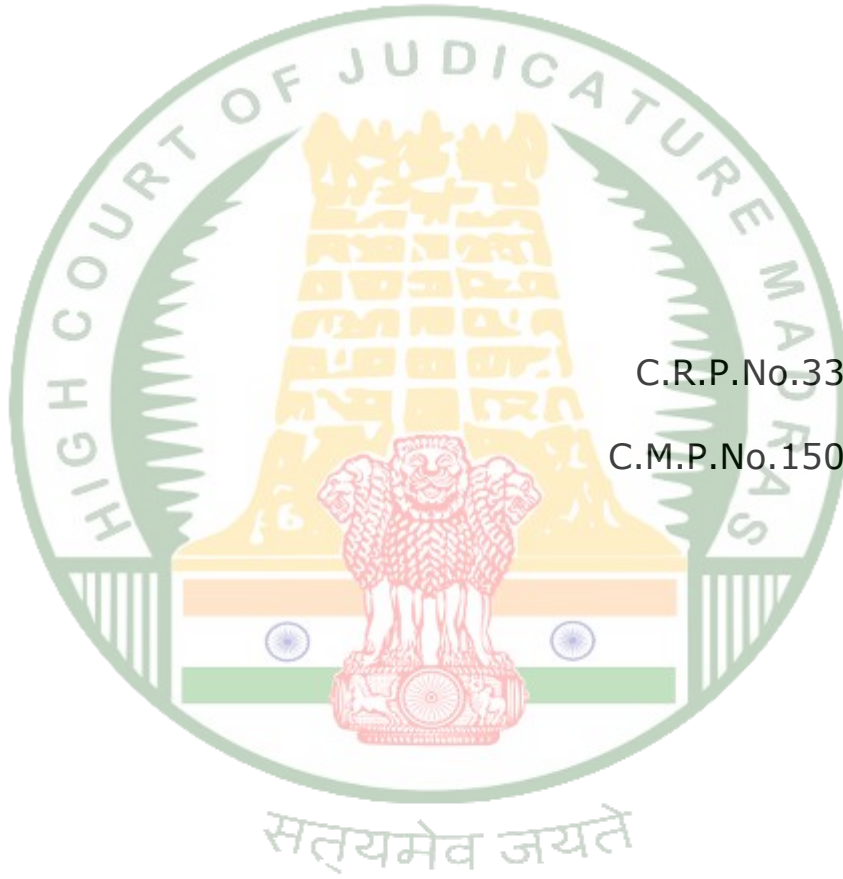
The District Munsif Court, Tiruvallur

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V.BHARATHIDASAN, J

mrp



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