

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD).Nos. 3886 & 3892 of 2018

and

C.M.P.Nos.21604 & 21639 of 2018

S.Tamilarasi

.. Petitioner in both Civil Revision Petitions

Vs.

Munian

.. Respondent in C.R.P.(PD).No. 3886 of 2018

P.K.Kathirvelu

.. Respondent in C.R.P.(PD).No. 3892 of 2018

Common Prayer: Petitions filed under Article 227 of the Constitution of India, against the order dated 01.09.2018 in I.A.Nos.282 & 283 of 2018 in O.S.Nos.218 & 219 of 2007 on the file of District Munsif Court, Arni, Tiruvannamalai District.

For Petitioner : M/s.K.N.Nataraj
(in both Civil Revision Petitions)

For Respondents : M.Suredh
(in both Civil Revision Petitions)

COMMON ORDER

The 5th defendant in O.S.Nos. 218 & 219 of 2007 on the file of the District Munsif Court, Arni come up with these Revisions challenging the dismissal of her applications filed under Section 151 of the Code of Civil Procedure to reopen the case and to direct the defendants 3 & 4 let in evidence. Both the suits have been filed for declaration of the title of the plaintiff and consequential injunction. The defendants 3 & 4 are respectively the Collector, Thiruvannamalai and Thasildhar, Arni. The 5th defendant was impleaded as legal heir of the second defendant. She has also let in evidence on her side.

2. When the suit was posted for arguments, the 5th defendant has come up with this application to reopen the suit and direct defendants 3 & 4 to let in evidence. Needless to say that the applications are not maintainable. The parties to the proceedings cannot compel another party to let in evidence. If the 5th defendant wants to produce any document which is in the custody of the defendants 3 & 4, it is open to her apply for summoning

the documents invoking the relevant provisions of the Code. If the 5th defendant wants to examine any official, it is open to her to examine them by summoning them as witnesses. She cannot file an application to reopen the case and for a direction to the defendants to let in evidence.

3. Hence, I do not find any irregularity in the order of the Court below in dismissing these applications. Therefore, the Revisions fail and are dismissed accordingly. The dismissal of these revisions will not stand in the way of the plaintiff seeking to summon documents or to examine witnesses on her side. Consequently, connected miscellaneous petitions are closed.

03.09.2020

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Internet: Yes/No

Index: Yes/No

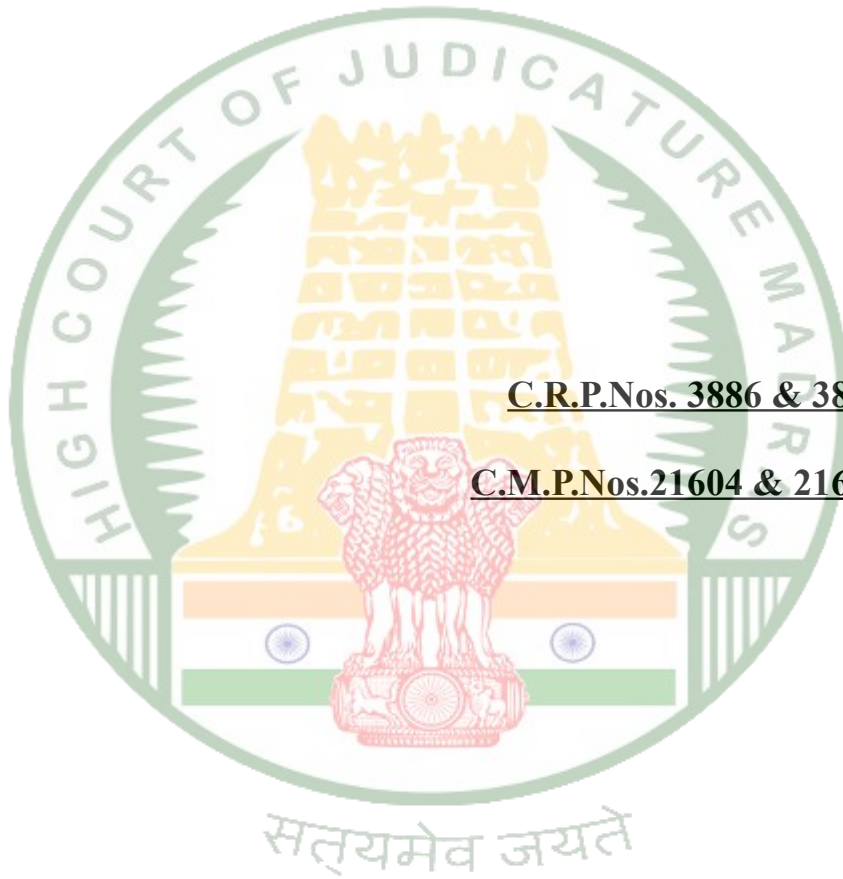
To:-

The learned District Munsif Court,
Arni, Tiruvannamalai District.

C.R.P.Nos. 3886 & 3892 of 2018
and
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R.SUBRAMANIAN, J.

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