



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (MD) Nos. 1012 to 1015 of 2020

and C.M.P (MD) No. 6539 of 2020

WEB COPY

In all C.R.P.s:

M.Krishnamoorthy

... Petitioner/Petitioner/Plaintiff

Vs.

G.Ramalingam

...Respondent/Respondent/Defendants

PRAYER: This Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 19.02.2020 made in I.A.Nos.151, 152, 153 and 154 of 2019 in O.S.No.231 of 2009 on the file of the District Munsif Court, Thanjavur.

In all C.R.P.s:

For Petitioner

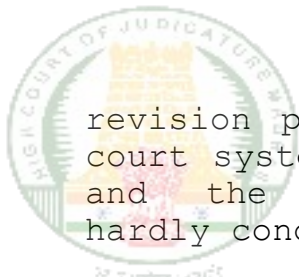
: Mr.K.Guhan

C O M M O N O R D E R

In a suit which the revision petitioner has filed in the year 2009 for mandatory and permanent injunction, the trial has concluded and the matter is posted for final hearing. It is in these circumstances, the revision petitioner has filed a petition in I.A.No.151 of 2019 to re-open the suit to recall himself as P.W.1 for production of two documents and for examining additional witnesses. I.A.No.152 of 2019 has been filed for re-opening the case, I.A.No.153 of 2019 has been filed for examining additional witnesses while I.A.No.154 of 2019 has been filed for condoning the delay in producing the document and to receive the same.

2. In her order in I.A.No.151 of 2019, the learned District Munsif has recorded that earlier the plaintiff has filed I.A.No.200 of 2018 for opening the suit and I.A.No.201 of 2018 for summoning the Surveyor and the same appeared to have been dismissed. The court has also recorded that oral and written arguments of both sides were filed and the case itself is posted for judgment on 08.07.2019. In this circumstance, the present set of applications came to be filed.

3. Even though the court system in this country has to manage litigants with considerable illiteracy and hence may have to extend reasonable latitude to them to protect the right of action, yet it is important that mere sympathy for the litigant cannot drive the court system. A litigation instituted in 2009 at the instance of the



revision petitioner is obstructed by him, but beyond a point the court system owes accountability to the tax payers of this country, and the attitude which the revision petitioner now displays is hardly conducive to the general health of the court system.

4. This Court does not find any impropriety or illegality in the approach of the learned District Munsif. Having stated that, this Court wishes good luck to the plaintiff in the suit, but in the eventuality of he loosing the suit merely because he could not produce the documents which he now requires the trial court to receive, then, he is not remediless as he can take it as a ground in his appeal memorandum. But for the present, the plaintiff's opportunity to produce the documents before the trial court cannot be considered as it is bordering on abuse of procedural fairness.

5. These Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

CM

To

1. The District Munsif Court, Thanjavur.

2. The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+4cc to Mr. K. Guhan, Advocate Sr. Nos. 25201, 25352

C.R.P (MD) Nos. 1012 to 1015 of 2020
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11.12.2020

SSS (CO)

NR (18/01/2020) 2P : 8C