

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.Nos. 2159 and 2160 of 2015
and
MP.No.1 of 2015

CRP.PD.No. 2159 of 2015

1. Elisapeth
2. Mariyathas
3. Johnposhko

..Petitioners

Vs.

Edmant Arokiyaraj

..Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the Fair and Decretal Order dated 21.11.2014 made in I.A. No. 1074 of 2014 in O.S. No. 67 of 2012 on the file of the Principal District Munsif, Ulundurpet by allowing this Civil Revision Petition.

For Petitioners : No Appearance
For Respondent : T. Gandhi

CRP.PD.No. 2160 of 2015

1. Elisapeth
2. Mariyathas
3. Johnposhko

..Petitioners

Vs.

Edmant Arokiyaraj

..Respondent

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the Fair and Decretal Order dated 21.11.2014 made in I.A. No. 1078 of 2014 in O.S. No. 67 of 2012 on the file of the Principal District Munsif, Ulundurpet by allowing this Civil Revision Petition.

For Petitioners : No Appearance

For Respondent : T. Gandhi

COMMON ORDER

These Civil Revision Petitions are directed as against the fair and decretal order passed in IA.Nos.1074 and 1078 of 2014 of 2015 in O.S.No.67 of 2012 on the file of the Principal District Munsif Court, Ulundurpet dated 21.11.2014 praying to allow these Civil Revision Petitions.

2. The petitioners are defendants in the suit filed by the respondent for declaration and permanent injunction. After closing the evidence on the side of the respondent/plaintiff, the petitioners examined their witnesses and also closed their evidence and the matter was posted for arguments. The petitioners have filed the above I.As to re-open and to permit them to

examine further six more witnesses on their side.

3. On a perusal of records, it reveals that the petitioners filed written statements and took the plea that the first petitioner's husband purchased the suit properties in the year 1980 for the sale consideration of Rs. 10,000/- by way of oral sale deed from his brother. After death of the first petitioner's husband, the petitioners are in possession of the suit properties. In order to prove the said fact they have already let in oral evidence.

4. According to the petitioners, the alleged occurrence took place on 12.07.2012 and as such, the first petitioner lodged a complaint on 01.08.2012 before the Tahsildar, Ulundurpet as directed by the Revenue Inspector and detailed enquiry was conducted and report was submitted to the Tahsildar. In the said report, the petitioners were directed to approach the concerned Civil Court for appropriate relief. It is also seen that the petitioners have already examined the Tahsildar, Ulundurpet as D.W.2 and marked entire inquiry file as Exs.X-1 to Ex.X-8. Further, the Inspector of Police, Ulundurpet appeared before the trial Court and informed that no such records are available in their office regarding the complaint dated

01.08.2012. Therefore, the question of re-opening the evidence and examining the witnesses viz., the Revenue Inspector, Village Administrative Officer, Assistant of the Village Administrative Officer and the Tahsildar, Ulundurpet do not arise. The above said petitions were filed, when the matter was posted for arguments. Therefore, the trial court rightly dismissed both the I.As filed by the Petitioners. As such, this Court finds no irregularity or infirmity in the impugned orders passed by the court below.

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

07.01.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

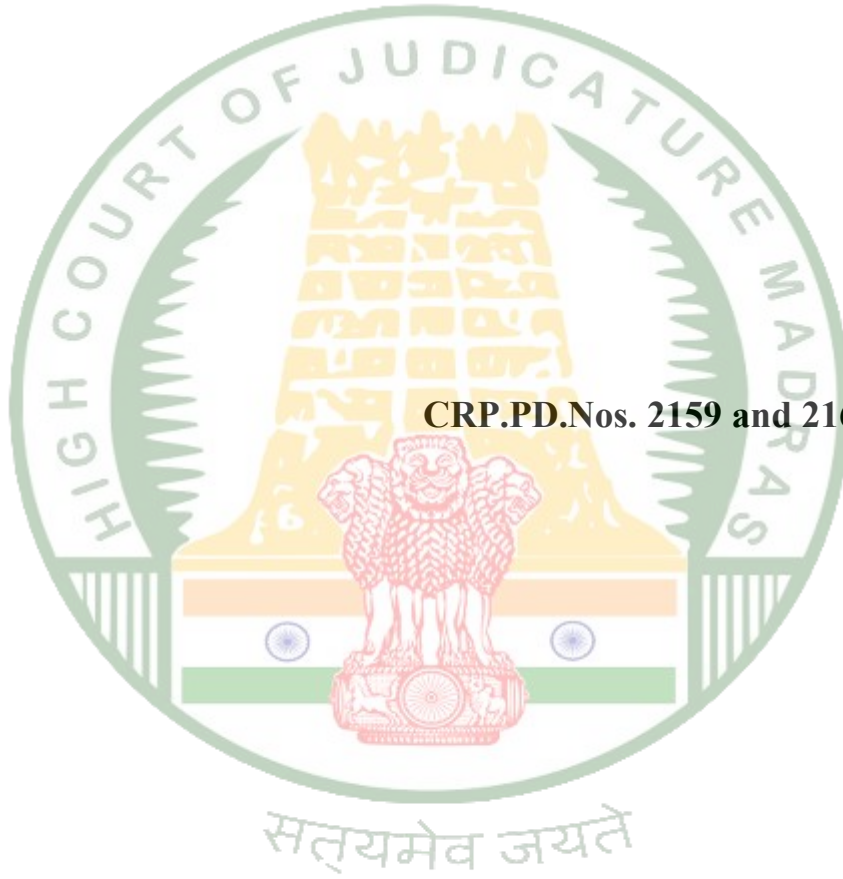
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To

The Principal District Munsif, Ulundurpet.

G.K.ILANTHIRAIYAN,J.

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