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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.(PD).No.1551 of 2016
and
C.M.P.No.8411 of 2016

D.Premalatha

... Petitioner

Versus

G.R.Aravind

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decretal order of the Principal District Court at Dharmapuri, dated 20.04.2016 in I.A.No.78 of 2016 in O.S.No.38 of 2009.

For Petitioner : Mr.C.Prabakaran

For Respondent : Mr.P.Valliappan

ORDER

The petitioner is challenging the order passed by the learned Principal District Judge, Dharmapuri in I.A.No.78 of 2016 in O.S.No.38 of 2009 dated 20.04.2016.

2.The learned counsel for the petitioner submitted that the petitioner has got a document to file on her side recently, and so she sought permission to re-open the case before the trial Court, but it was rejected. But the learned counsel for the respondent submitted that they the petitioner not produced any document at the time of application for re-open before the trial Court.

3.At the time of arguments, the learned counsel for the petitioner fairly admits that they have not produced sale deed



standing in the name of the petitioner during the trial before the trial Court recently she got document hence she has filed the present I.A.No.78 of 2016.

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4. On a perusal of the records, it reveals that the suit was filed by the plaintiff for the relief of specific performance based upon the sale agreement with Defendants 1 & 2. Now the petitioner / 5th defendant contended that she has purchased the property in the year 2009 and to adjudicate the issue between the parties, it is just and necessary that opportunity should be given to all the parties to the suit to defend their claims.

5. But on seeing the records, it is seen that the suit was filed in the year 2009 and this petitioner was added as 5th defendant in the year 2014. But the petitioner not adduced any evidence while the trial was being conducted before the trial Court. As rightly pointed out by the learned counsel for the respondent, immediately after the closure of the evidence, she filed an application for re-open, due to such conduct of the petitioner, the case is pending all these years.

6. Considering the facts and circumstances, this Court is inclined to impose costs of Rs.5,000/- and the petitioner is directed to pay the said amount to the plaintiff within a period of 4 weeks from the date of receipt of a copy of this order, either through the counsel or by herself, failing which this petition shall stand dismissed. On payment of such costs order passed in I.A.No.48 of 2016 is set aside, and the trial Court is directed to dispose of the suit on merits within a period of 6 months from the date of receipt of a copy of this order without any delay.

7. With the above direction, the petition is disposed of. Consequently connected Miscellaneous Petition is Closed.

Sd/-
Assistant Registrar (Lok Adalat)

//True Copy//

Sub Assistant Registrar

rri



To

1. The learned Principal District Judge,
Dharmapuri.

Copy to:

The Section Officer,
V.R.Section,
High Court, Madras.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.51137

+1cc to M/s.P.Valliappan, Advocate, S.R.No.51138

C.R.P. (PD) .No.1551 of 2016
and
C.M.P.No.8411 of 2016

NK (CO)
SU (10/11/2021)