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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP No.2651 of 2021 and
CMP.No.19584 of 2021

Duraisamy (died)
Venkatachalam

... Petitioner/Defendant

Vs

Kannayiram

... Respondent/Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the common order passed by the District Munsiff, Gudiyatham dated 12.3.2021 by dismissing the petition filed in I.A.No.1 of 2020 under Order 18 Rule 17 under Section 151 CPC to reopen and recalled the DW3 and to receive the documents. The said order passed by the District Munsiff, Gudiyatham is liable to be set aside.

For Petitioner : Mr.D.Rajagopal

O R D E R

This revision is directed against orders passed in I.A.Nos.1, 2 and 3 of 2020 in O.S.No.10 of 2013.

2.These three applications were filed seeking to reopen the evidence of the defendants, recall DW3 and to condone the delay in filing documents. The suit in O.S.No.10 of 2013 is one for a bare injunction. The plaintiff's evidence is over and the defendants evidence was also over and the suit was posted for arguments. In fact, there is a direction by this Court in an earlier revision that the suit should be disposed of within six months. Many six months have gone by.

3.In these applications, it is contended that the existence of certain documents were discovered subsequently and therefore those documents will have to be produced.

4.Considering the nature of the suit viz., the suit for injunction, the plaintiff will have to prove his possession. If the plaintiff fails to prove his possession, the suit will be dismissed. The trial Court has found that the documents are not



very germane to the issue that is raised in the suit viz., possession of the suit property. Moreover, all the three applications have been dismissed by the trial Court and there is only one revision.

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5. The learned counsel would submit that, because it is a common order single revision is filed against all the three orders. I do not think such a submission can be accepted. Hence, I do not see any merit in this revision. The revision therefore fails and it is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vs

To:

1. The District Munsiff,
Gudiyatham.

+1cc to Mr.D.Rajagopal, Advocate, S.R.No.66487

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CP(CO)
CT 04/01/2022