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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.07.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P. Nos. 2724 & 2725 of 2018

&

CMP No.16047 of 2018

Palanisamy

... Petitioner/Plaintiff in both CRPs

Vs.

1. Devarasu

2. The Executive Engineer (Irrigation Division)
Public Works Department, Pondicherry.

3. Union of India, rep. by its Chief Secretary
Government of Pondicherry, Pondicherry.

4. Nettapakkam Commune Panchayat
rep. by its Commissioner
Having Office at Nettapakkam Commune
Pondicherry.

... Respondents/Defendants in both CRPs.

Common Prayer: The Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decreetal order dated 27.07.2018 made in Un.No.I.As/2018 in O.S. No.899 of 1997 on the file of the Court of the II Additional District Munsif at Pondicherry.

For Petitioner : Mr. T. Dhanasekaran
(in both CRPs)

For Respondent No.1 : Mr.V. Vasanthakumar
(in both CRPs)

Respondents No.2 to 4 : Notice served
(in both CRPs)



COMMON ORDER

These civil revision petitions are filed against the orders and decreetal orders dated 27.07.2018 made in Un.No.I.A/2018 in O.S. No.899 of 1997 on the file of the Court of the II Additional District Munsif at Pondicherry, thereby dismissing the petitions to reopen the suit for the purpose of appointment of Advocate Commissioner to inspect the suit property and to appoint an Advocate Commissioner.

2.The petitioner is the plaintiff and the respondents are the defendants. The Petitioner filed the suit for declaration and Mandatory injunction.

3.The suit is of the year 1997 and when the matter was posted for argument after completion of both sides evidence, the petitioner had filed applications in I.A.No.132 and 133 of 2018 to reopen the case and to summon the Thasildhar, Taluk Office, Bahour to be examined on the side of the plaintiff and also another un-numbered application had been filed to re-open the plaintiff's side evidence for the purpose of examining the respondents 2 & 4 as witnesses in order to prove the existence of disputed canal. All the applications were dismissed by the Court below by orders dated 29.03.2018 and 19.06.2018. Admittedly, no appeal has been filed as against the abovesaid orders passed by the Court below. Thereafter, again the petitioner filed the unnumbered Ias to reopen the suit and also for appointment of an Advocate Commissioner after completion of both side evidence and when the matter was posted for arguments.

4.Considering the suit is of the year 1997 and that the petitioner is filed petition after petition and to prolong the matter, the Court below has rightly dismissed both the unnumbered applications.

5.In view of the above, this Court finds no infirmity or illegality in the order passed by the Court below. Accordingly, the Civil Revision Petitions are Dismissed and the Court below is directed to dispose of the suit within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy//

Sub Assistant Registrar

sms



To

The II Additional District Munsif at Pondicherry.

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C.R.P. Nos. 2724 & 2725 of 2018
&

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CNR (CO)
RLP (03/08/2021)