

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

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

CRP.PD.Nos.878 & 879 of 2018

and

CMP.Nos.4821 & 4822 of 2018

CRP.No.878 of 2018

A.Vallalarajan

..Petitioner

Vs.

1.Pushpa @ Pushpavalli

2.Pavithra

3.Raj Pradeep

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order and decree passed by the II Additional Subordinate Judge, Coimbatore dated 03.01.2018 in IA.No.796 of 2017 in OS.No.201 of 2009

For Petitioner : Mr.Mathuvanthi Mathavan

CRP.No.879 of 2018

A.Vallalarajan

..Petitioner

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2.Pavithra
3.Raj Pradeep

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For Petitioner : Mr.Mathuvanthi Mathavan

COMMON ORDER

These Civil Revision Petitions are filed against the fair and final order and decree passed by the II Additional Subordinate Judge, Coimbatore dated 03.01.2018 in IA.Nos.796 & 797 of 2017 in OS.No.201 of 2009, thereby dismissing the petitions to reopen and recall PW1.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for specific performance. The suit was filed in the year 2009. When the suit was ripe for trial, PW1 was examined in the year 2011 and marked Ex.A1 to Ex.A7. After period of seven years, when the suit was posted for cross examination of defendant witness, the present applications have been filed to reopen

and recall PW1 to mark certain documents which were left out by the plaintiff at the time of marking the documents through his chief examination.

3. On perusal of the plaint, he filed all the documents and marked only seven documents out of nine. Thereafter, the plaintiff did not take any step to mark those documents while pending the trial for the past seven years. Therefore, the petitions filed by the petitioner are only to fill up the lacuna and cannot be permitted under law. As such, the court below rightly dismissed the petitions and this Court finds no infirmity or illegality in the orders passed by the court below.

4. Accordingly, these civil revision petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

सत्यमेव जयते

23.07.2021

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No
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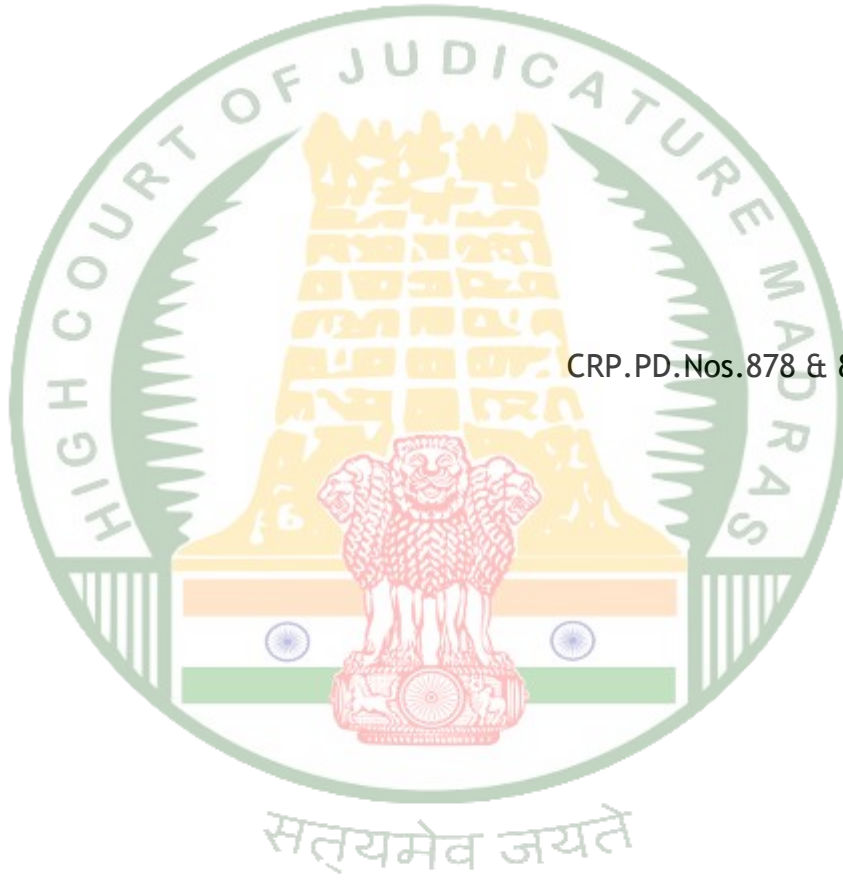
To

The II Additional Subordinate Judge,
Coimbatore

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G.K.ILANTHIRAIYAN,J.

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