



CRP (PD) Nos.2478, 2480 & 2481 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (PD) Nos.2478, 2480 &2481 of 2021
and CMP No.18725 of 2021

1. Muthusamy

2. Arumugham

3. Annapooran

4. Ponnusamy

... Petitioners in all C.R.Ps

Vs

1. Avinashiappan

2. Annapoorani

3. Karunambal

4. S.Sadasivam

5. Gandhimathi

6. Nachammal

7. Senthilkumar

8. The Tashildar,
Officer of the Tashildar,
Avinashi Taluk,
Cheyur Road,
Avinashi.

... Respondents in all C.R.Ps



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Common Prayer: The Civil Revision petitions filed under Article 227 of Constitution of India, against the Fair and Decretal order dated 20.09.2021 made in I.A.Nos.4, 5 and 6 of 2021 in O.S.No.78 of 2013 on the file of the II Additional Judge, Tirupur.

For Petitioner : Mr.R.Bharath Kumar

COMMON ORDER

These three revisions are against the orders passed by the learned trial Judge namely II Additional District Judge, Tiruppur made in I.A.Nos.4,5 and 6 of 2021 in O.S.No.78 of 2013.

2. The three applications were filed by the plaintiffs seeking to reopen the evidence of plaintiffs, to recall P.W.1 to permit the plaintiffs to adduce further evidence and to grant permission to the plaintiffs to let in rebuttal evidence after the examination of witnesses by the defendants.



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3. The prayer in the suit is for declaration that the Will dated 18.05.2011 executed by one Karunaiammal is void and the same has been obtained by playing fraud on the deceased Karunaiammal. Though P.W.1 was examined in the year 2017, the recording of evidence could not proceed seamlessly as there were several applications filed by the parties. Finally in the year 2019, the evidence of P.W.1 was closed and thereafter the defendants' evidence commenced. D.W.1 and D.W.2 were examined in the year 2019. D.W.2 was also cross examined and the suit was posted for further evidence. It is, at this stage, the plaintiffs have got out with the instant applications in August 2021, seeking to reopen the evidence of plaintiffs and to recall P.W.1 for further evidence and to let in rebuttal evidence after the examination of witness by the defendants.

4. The learned trial Judge had dismissed the applications concluding that the plaintiffs have been purposely dragging on the litigation and no proper reason has been adduced for permitting the plaintiffs to let in evidence by reopening their side. The trial Court has also noted that this



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Court, on an earlier occasion, had directed the trial Court to proceed with the suit on day to day basis. This Court had also directed that the adjournments shall not exceed maximum of three working days between two adjournments. None of the directions of this Court were complied by the plaintiffs. I, therefore do not think that the trial Court could be faulted for dismissing the applications. The revisions therefore fail and accordingly they are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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vum

Index: Yes/No

Speaking order / Non speaking order

To:

The II Additional Judge, Tirupur.



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R.SUBRAMANIAN, J.

vum

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