

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(PD).No.3544 of 2017
and C.M.P.No.16386 of 2017

M.Chinnasamy

... Petitioner/Plaintiff

Vs.

1.K.Palanisamy

2.K.Dharmalingam

3.K.Sundandiramani

... Respondents/Defendants

PRAYER : The Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 23.08.2017 in I.A.No.929 of 2017 in O.S.No.299 of 2012 on the file of the Principal District Munsif Court, Erode, as prayed for to set aside the same.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondents : Ms.L.Mouli [R1 & R2]

R3 – No Appearance

ORDER

(Heard through video conferencing)

The petitioner is the plaintiff. The Petition in I.A.No.929 of 2017 was filed to recall a witness after the trial was concluded and the matter was posted for arguments.

2. The suit has been filed by the petitioner/plaintiff for the reliefs of permanent injunction and partition. The type of relief sought by the plaintiff, cannot be decided on the basis of mere oral evidence and the documentary evidence would play importance. The Trial Judge has given sufficient opportunity for both the parties to adduce both oral and documentary evidence. This case was 5 years old even at the time of examination of witnesses. The reason for recalling a witness after the evidence was closed should be for any strong reasons which should have an impact on the Judgment and not on flimsy ground. The learned Trial Judge has rightly appreciated that the petition is lacking in merit and dismissed the same.

3. It is submitted by the learned counsel for the petitioner himself that the case is reserved for Judgment on 22.04.2021. Under such circumstances, there is no need to keep the suit pending and the trial cannot be once again reopened for the purpose of examining further witness. Since due opportunities have been given to both the parties, I do not find any merit in this petition and the order of the Lower Court does not warrant any interference.

In the result, the Civil Revision Petition is dismissed. No costs. Connected civil miscellaneous petition in C.M.P.No.16386 of 2017 is closed.

16.04.2021

Speaking/Non-speaking

Index : Yes/No

Internet : Yes/No

Sni

WEB COPY

R.N.MANJULA,J.

Sni

To

- 1.The Principal District Munsif Court,
Erode,
- 2.The Section Officer,
V.R.Section,
High Court, Madras.



C.R.P.(PD).No.3544 of 2017

WEB COPY

16.04.2021