

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

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

C.R.P.(PD)Nos.3798, 3802 & 3803 of 2018
and C.M.P.Nos.21163, 21166 & 21169 of 2018

1. Nehru Dhyriam
2. John Nesan

... Petitioners in
all CRPs

Vs.

1. Indirani
2. B.Sathya
B.Vijayalakshmi (died)
3. A.Veerassamy
4. Padmavathi

... Respondents in
all CRPs

Common Prayer :- Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the fair and decreetal orders dated 17.09.2018 in I.A.Nos.1443, 1444 & 1445 of 2018 in O.S.No.84 of 2013 respectively, on the file of the learned District Munsif, Madurantakam.

For Petitioners

in all CRPs

: Mr.Ganeshpandian

For Mr.T.Starlin Ganandhas

For Respondents

in all CRPs

For R1,2&4

: Mr.R.Krishna Prasad

For M/s.Sarvabhauman Associates

For R3

: Mr.S.Udaya Kumar

COMMON ORDER

These Civil Revision Petitions are directed as against fair and decreetal order dated 17.09.2018 passed by the learned District Munsif, Madurantakam, in I.A.Nos.1443, 1444 & 1445 of 2018 in O.S.No.84 of 2013 respectively, thereby dismissing the petitions to re-open the plaintiffs' side evidence, to file additional documents and to re-call P.W.1 to mark the documents respectively.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit in O.S.No.84 of 2013 for permanent injunction in respect of the suit property as against the respondents. After closing of evidences on both sides, when the suit was posted for arguments on 04.07.2018, the petitioners filed these applications in I.A.Nos.1443, 1444 & 1445 of 2018 to re-call P.W.1, re-open and to receive additional documents. The trial Court dismissed all the three applications as against which the petitioners filed these Civil Revision Petitions.

3. It is seen from the records that when the suit was posted for arguments, the petitioners' counsel made his submissions and the suit was adjourned to 04.04.2018. At that juncture, on 11.04.2018 the petitioners filed applications in I.A.Nos.758, 763 & 764 of 2018 for re-open, re-call and to receive the additional documents. All the three applications were allowed and P.W.1 was recalled. Through P.W.1, the petitioners marked additional documents as Ex.A.19 to Ex.A.22.

4. Thereafter, the suit was posted for argument on 04.07.2018, again on 16.08.2016, the petitioners filed these present applications for re-call, re-open and sought permission to receive additional documents. Therefore, the trial Court rightly found that those applications were filed only to fill up lacuna and dismissed the same. This Court finds no infirmity or illegality in the order passed by the Court below.

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5. Accordingly, this Civil Revision Petition stands dismissed.

Since the suit is of the year 2013, the trial Court viz., the District Munsif Court, Madurantakam, is directed to dispose the suit within a period of three months from the date of receipt of a copy of this Order. Consequently, connected miscellaneous petitions are closed. There shall be no order as to cost.

14.07.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts



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To

1. The District Munsif,
Madurantakam.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

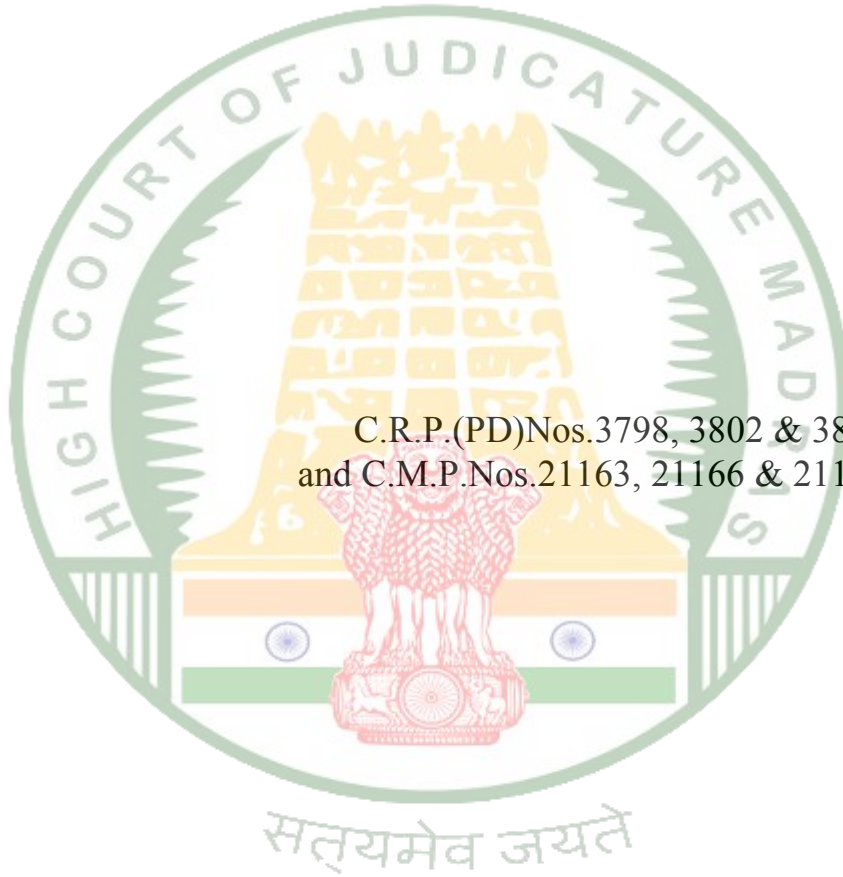


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