



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD).No.557 of 2021
and C.M.P.(MD).No.3004 of 2021

Natchimuthu ... Petitioner/Petitioner/2nd Defendant

Vs.

1.Jeyaram
2.Selvaraj
3.Subramani
4.Murugan
5.Jeyaprakash

... Respondents/Respondents/Plaintiffs

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Ex-order and Fair order, dated 20.02.2020 made in I.A.No.111 of 2019 in O.S.No.210 of 2019, on the file of the District Munsif Cum Judicial Magistrate, Athoor.

For Petitioner : Mr.J.Lawrance

ORDER

This Civil Revision Petition is directed against the order passed in I.A.No.111 of 2019 in O.S.No.210 of 2019, dated 20.02.2020, dismissing the application filed under Order 18 Rule 17 C.P.C., on the file of the learned District Munsif-cum-Judicial Magistrate, Athoor.

2.Heard the learned counsel for the petitioner.

3.The respondents have filed a suit claiming permanent injunction and mandatory injunction in respect of the suit properties. It is evident that the trial was commenced and PW1 was examined and cross examined. After the cross examination of PW1, the plaintiffs' another witness PW2 was also examined. Thereafter, the revision petitioner has filed an application to recall PW1 for further cross examination in I.A.No.1866 of 2018 and the same was allowed on 27.11.2018. It is further evident that since the revision petitioner has not chosen to cross examine the PW1 as per the order passed in I.A.No.1866 of 2018, the evidence of PW1 was ordered to be closed. Thereafter, the above



held that the revision petitioner had not utilised the opportunity already granted and after closure of the PW1 evidence, he has come forward with the above petition to drag on the proceedings and to give unwanted weariness to the witness and also to waste the Courts time.

WEB COPY

4.It is pertinent to mention that the suit was originally filed in the year 2013 as O.S.No.911 of 2013 before the learned District Munsif, Dindigul and after the formation of the District Munsif-cum-Judicial Magistrate Court in Athoor, it was transferred to the said Court and the same was taken on file in O.S.No.210 of 2019. Considering the facts and circumstances of the case and also the fact that the petitioner has not utilized the opportunity already granted to him by the trial Court, this court is not inclined to entertain this revision.

5.This Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

TM

To

1.The District Munsif-cum-Judicial Magistrate, Athoor.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-15674[F] dated 09/04/2021)

C.R.P.(MD).No.557 of 2021

08.04.2021

—

AV (10.05.2021) 2P 3 C