



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 30.04.2021

Pronounced on : 30.06.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

CRP (MD) .Nos. 755 and 756 of 2021 and
CMP (MD) .No.4115 of 2021 in CRP (MD) .No. 755 of 2021

P. Karuppaiah : Petitioner in both CRPs

Vs.

1.R.M. Gandhi
2.K.Balasubramanian : Respondents in both CRPs

COMMON PRAYER:- Civil Revision Petitions filed under Article 227 of the Constitution of India to call for the records relating to fair and decreetal order passed by the learned District Munsif, Madurai Taluk in I.A.Nos. 141 and 143 of 2020 in O.S.No. 1 of 2016, dated 11.02.2021.

For petitioner in both CRPs : Mr. K. Muraleedharan
For Respondents in both CRPs : Mr. P. Muthusamy

COMMON ORDER

These Civil Revisions are directed against the order passed in I.A.Nos. 141 and 143 of 2020, dated 11.02.2021 dismissing the petition filed under Section 151 CPC for reopening of the plaintiff's side case and the dismissal of the petition filed under Order 7 Rule 14(1) CPC for the reception of additional documents respectively.

2. The revision petitioner is the plaintiff and he filed the suit in O.S.No. 1 of 2016 on the file of the District Munsif Court, Madurai Taluk, claiming permanent injunction restraining the respondents herein from in anyway dispossessing or interfering with the plaintiff's peaceful possession and enjoyment of the suit property except under due process of law.

3. The plaintiff has claimed to be a cultivating tenant of the suit property under Tmt. Amirthammal, the previous owner of suit property. The defence of the defendants is that the first defendant's wife Janaki purchased the suit property from the said Amirthammal on 03.12.2004 and since the purchase, the said Janaki was in possession and enjoyment of the suit property, that since the said Janaki died on 26.12.2011, her husband the first respondent,

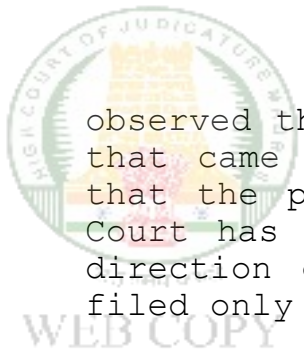


her son the second respondent and her two daughters have become the owner of the suit properties, that first defendant and her daughters had relinquished their 3/4th share in favour of the second defendant vide Release Deed dated 30.08.2012, that the said second defendant after mutation of revenue records has been in possession and enjoyment of the suit property and that the petitioner by suppressing the above, filed the above vexatious suit. When the suit was posted for the arguments, the plaintiff has filed the above applications in I.A.No.141 of 2020 for reopening the case and I.A.No.143 of 2020 for filing the documents.

4. The case of the revision petitioner is that his application to record him as a cultivating tenant was pending before the Thasildar, Madurai in Tr.O.P.No.1 of 2016, that himself and the first defendant had adduced evidence both oral and documentary, that he has already filed an application to send for the documents from the Thasildar, Madurai North, that the Court has directed him to get the certified copies and produce the same, that his request for the said copies was negatived and hence, he was constrained to get the copies under the Right to Information Act, that the documents now sought to be produced are very much necessary to prove his case and that therefore, the case has to be reopened and the plaintiff is to be permitted to exhibit the documents.

5. The main contention of the respondents is that the petitioner's application to record him as a cultivating tenant was already dismissed by the Thasildar, Madurai (North) on 12.03.2019, that the said dismissal order has already been produced and exhibited on the side of the defendants, that the petitioner's earlier application to send for the documents from the Thasildar, Madurai (North) office was already dismissed by this Court, that the petitioner suppressing the dismissal of the said petition has filed the present petitions, that since the proceeding before the Thasildar was already over the question of producing and exhibiting the statements recorded therein does not arise.

6. Admittedly, the suit was filed in the year 2016. It is not in dispute that after adducing of evidence by both sides and when the case was pending for arguments, the above petitions came to be filed. It is pertinent to note that the learned Judge has specifically observed that this Court has already given directions for the early disposal of the case. It is also not in dispute that the petitioner's application to record him as a cultivating tenant was already dismissed by the Thasildar, Madurai (North). It is also not in dispute that the petitioner's earlier application to send for the documents from the Thasildar, Madurai (North) office was ordered to be dismissed. Though the petitioner has alleged that he was directed by the trial Court to get the certified copies and to produce the same, he has not produced any such order. Moreover, it is not the case of the petitioner that he had immediately applied and got the certified copies. The learned trial Judge has also



observed that the documents sought to be produced are the documents that came into existence only after filing of the above suit and that the plaintiff has not come with the clean hands. The trial Court has rightly observed that the above petitions, despite the direction of this Court for early disposal of the case, has been filed only to protract the proceedings.

7. Considering the above, the decision of the trial Court in dismissing the above applications cannot be found fault with. Consequently, this Court decides that the above revisions are devoid of merits and are liable to be dismissed.

8. In the result, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp

To

The learned District Munsif, Madurai Taluk.

+1 CC to M/s.P.MUTHUSAMY, Advocate (SR-20866[F] dated 01/07/2021

CRP(MD).Nos. 755 and 756 of 2021 and
CMP(MD).No.4115 of 2021 in CRP(MD).No. 755 of 2021
30.06.2021

SSS(CO)

TR(13.07.2021) 3P 3C