



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 20.10.2021.

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.(MD) Nos.1519 and 1520 of 2021  
and

C.M.P.(MD) Nos. 8370 and 8390 of 2021

1. Smt.Jeyakannan  
2. Sri.Kannan ... Revision Petitioners/  
Petitioners/Plaintiffs  
(Both cases)  
vs.

1. Ramyashree  
2. Pysari Ramakrishna  
3. Smt.Lalitha  
4. Smt.Kavyashree ... Respondent nos.1 to 4/  
Revision Respondent nos.1 to 4/  
Defendants nos. 1 to 4  
(Both cases)

Civil Revision Petitions filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 18.11.2019 in I.A.No.178 and 176 of 2018 in O.S.No.333 of 2017 on the file of Sub Court, Theni.

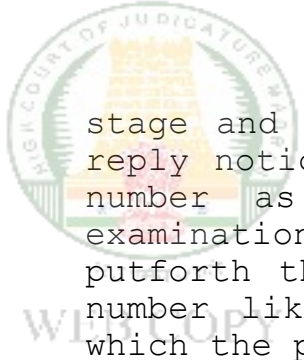
For Petitioners : Mr.J.Senthilkumar

COMMON ORDER

Both these revisions have been filed to set aside the order dated 18.11.2019 dismissing I.A.Nos.178 and 176 of 2018 in O.S.No.333 of 2017.

2. Brief facts of the case are as under:-

The revision petitioners are the plaintiffs in O.S.No.333 of 2017 filed claiming damages of Rs.10,00,000/-. When the matter was posted for arguments, the petitioners/plaintiffs have filed I.A.No.176 of 2018 to reopen the plaintiffs' side evidence for adducing further evidence, I.A.No.177 of 2018 and 178 of 2018 had been filed under Rule 75 of the Civil Rules of Practice for the relief of sending for some documents showing details of incoming and outgoing messages on 12.8.2014 in respect of Cell number +971555641023. The Trial Court, finding that the petitions have been filed belatedly, at the fag end of the Trial viz., at the argument



stage and also finding that the first defendant had stated in her reply notice and written statement that she does not have any Cell number as alleged by the plaintiffs and also in the cross examination of PW1 by the defendants side, the defendants have putforth the case that the first defendant is not having any cell number like +971555641023, had dismissed the petition, against which the present revisions have been filed.

3. Learned counsel for the petitioner would submit that the petitioner in para 4 of the plaint, had stated that the first defendant had sent a message through her phone number 971555641023 on 12.8.2004 to the plaintiffs phone No.971507805701 and when the plaintiffs had already stated about the phone number, the finding of the Trial Court and that the petitioner had not stated about the phone numbers is error apparent and thereby the revision has to be allowed and the order passed by the Trial Court has to be set aside.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. It is seen from the counter that the original suit was filed on the file of the District Court, Theni and subsequently, it was transferred to the Fast Track Court, Periyakulam and the proof affidavit of the plaintiff had been filed and the plaintiff had been cross examined by the defendants' counsel in detail on 27.2.2017 itself and after that the case had been posted for further evidence of the plaintiffs and the sufficient opportunity was given to the plaintiffs to adduce further evidence and thereafter the case was posted for defendants side evidence and the defendants have made endorsement as if they have no oral evidence and thereafter, the case was been posted on the following dates:-

"15.3.2017, 20.3.2017, 3.4.2017, 17.4.2017, 18.4.2017, 21.4.2017, 29.4.2017, 22.5.2017, 12.6.2017, 15.6.2017, 17.6.2017, 3.7.2017, 12.7.2017, 26.7.2017, 9.8.2017, 23.8.2017, 5.9.2017, 11.10.2017, 27.10.2017, 10.11.2017 and 17.11.2017."

On 17.11.2017, the case was transferred to the Fast Track Court and renumbered as O.S.No.333 of 2017 and posted for arguments on 2.1.2018, 24.1.2018, 9.2.2018, 21.2.2018, 2.3.2018 and 9.3.2018 and only at that stage, the petitions have been filed. Further, the Trial court has also observed that the first defendant had stated in her reply notice and written statement that she is not having any cell number as alleged by the plaintiff and also in the cross examination of PW1, the by the defendants side, they have putforth the case that the first defendant is not having the number +971555641023 and the Trial Court had also found that the plaintiffs, at the very initial stage of the suit and pre-suit, came to know of the case of the first defendant, however, have not taken any steps till the completion of recording of evidence on both sides to recall for the records and thereby finding that the



petitions had been filed vexatiously, dismissed the petitions to reopen and recall.

6. Having heard the learned counsel for the parties and perused the materials available on record, this court finds that the petitions have been filed by the plaintiffs at the fag end of trial only to drag on the proceedings and therefore, finds no infirmity in the order passed by the Trial Court. The civil revision petitions are, therefore, dismissed as de void of merits.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ssk.

**Note:** In view of the present lock down owing to COVID 19 pandemic, a web copy of the order may be utilised for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

The Sub Judge, Sub Court,  
Theni.

C.R.P. (MD) Nos.1519 and 1520 of 2021  
and  
C.M.P. (MD) Nos. 8370 and 8390 of 2021  
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RD/JC (01.11.2021) 3P 2C