



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.07.2021

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

C.R.P(MD)Nos.997 and 998 of 2014

and

M.P(MD) No.1 of 2014

WEB COPY

1.Pirakasiammal @ Vijayalakshmi
2.Rajesh

...Petitioners
(in both petitions)

Vs.

1.Kalarani
2.Ramachandran
3.Shanmugathai

...Respondents
(in both petitions)

COMMON PRAYER:- Civil Revision Petitions are filed under Article 227 of Constitution of India, to allow the civil revision petitions by setting aside the order passed in I.A.Nos.141 and 142 of 2014 in O.S.No.156 of 2011 dated 05.03.2014 on the file of the Principal District Munsif Court, Sankarankovil.

For Petitioners : Mr.K.Jeyamohan

For Respondents : No appearance

(in both petitions)

COMMON ORDER

The present Civil Revision Petitions have been filed to set aside the orders passed in I.A.Nos.141 and 142 of 2014 in O.S.No.156 of 2011 dated 05.03.2014 on the file of the Principal District Munsif Court, Sankarankovil.

2.The facts of the case, in a nutshell, are that the revision petitioners are the plaintiffs and the respondents are the defendants. The suit was filed for declaration. In the suit, the respondents have filed the above applications, to recall the P.W.1 for cross-examination and to call for the documents in O.S.No.12 of 1995. Since the said applications were allowed, by the impugned orders, these Civil Revision Petitions have been filed.

3.The learned counsel for the petitioners would submit that the applications filed by the respondents are not maintainable and now recalling the first petitioner without any valid reasons, is not correct in the eye of law and they have no right to recall P.W.1 and the respondents can very well obtain the certified copies of the documents from the District Court and without reopening the case of the petitioners, the respondents have no *locus standi* to file



the present applications and only with an intention to drag on the proceedings, they have filed the applications. Hence, he prays to set aside the impugned orders, by allowing these civil revision petitions.

4. Though the name of the respondents are printed in the cause list, the respondents have not chosen to appear either in persons or through counsel.

5. This Court heard the learned counsel for the petitioners and also perused the materials placed on record.

6. To prove the contentions of the respondents regarding the marital status, summoning of PW1 to give evidence and produce the relevant records is necessary and no prejudice will be caused to the other side. Considering the said aspects, in order to put a quietus to the suit proceedings, the applications were rightly allowed by the court below, by the impugned orders, which warrants no interference by this Court.

7. In fine, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp/msa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized 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:

1. The Principal District Munsif, Sankarankovil

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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RD(5.08.2021) 2P 4C