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C.R.P.(NPD) Nos.729 & 730 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2022

CORAM : JUSTICE N.SESHASAYEE

C.R.P.(NPD) Nos.729 & 730 of 2022
and CMP.No.3654 of 2022

1.Ramasamy
2.Jayaraman

... Petitioners / Petitioners / Plaintiffs
(in both revisions)

Vs.

1.Durai
2.Radhakrishnan
3.Manivasagam
4.Pushpavalli
5.Selvi

... Respondents / Respondents / Defendants
(in both revisions)

Common Prayer : Civil Revision Petitions filed under Article 227 of the Constitution of India, praying to call for the records relating to the fair and decretal order dated 03.01.2022 made in I.A.No.600/2021 & I.A.No.601/2021 in O.S.No.151/2010 on the file of the Principal District Munsif Court, Chidambaram, and to set aside the same.

For Petitioner : Mr.T.Sathiyamoorthy

For Respondents : R3 & R5 – No Appearance



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COMMON ORDER

The plaintiff has come before this Court challenging the orders of the trial Court dated 03.01.2022 in I.A.No.600/2021 and I.A.No.601/2021, rejecting his prayer for re-opening the case, and to permit him to file a rejoinder statement to the additional written statement.

2. The suit is in the stage of arguments. Notices were directed to be served on the respondents and it has been so served, affidavit of service filed and the respondents name also figures in the cause-list.

3. The learned counsel for the revision petitioner submits that the defendants in the suit have filed the additional written statement, by which, they improve upon the source of their title, and this requires some kind of pleadings to support on the part of the plaintiff. He argued that he only needs to have his rejoinder taken on record, and does not want to adduce any evidence, because the evidence are all available on record. He has also taken the Court through the pleadings available, and also the pleadings he is intended to take through the rejoinder.



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4. The trial Court dismissed these applications essentially because the suit is in the stage of final arguments, and that the plaintiff has already been given opportunities to adduce evidence.

5. It is apparent that the plaintiff only wants to alleviate the possible view that could be taken by the trial Court, that some evidence which the plaintiff might put forward to prove the contention of the defendants are not supported by pleadings. It is obvious from the statement of the learned counsel that the parties knew what they are litigating, and they have also adduced evidence, but the plaintiff is anxious to avert a certain consequences that possibly may visit for want of a rejoinder.

6. This Court perused the documents and satisfied itself with the merit of the same. In fine, this Court considers that there would not be any harm in receiving the rejoinder statement. Therefore, both the revisions are allowed, and the trial Court is now required to receive the rejoinder statement from the plaintiff, and proceed to dispose of the suit within a period of two months from the date of communication of the order. No



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costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

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Note : Issue order copy on 07.04.2022

To:

The Principal District Munsif Court
Chidambaram.



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N.SESHASAYEE.J.,

ds

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