



C.R.P.No.1526 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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1. Poomalarthal
2. Venunathan
3. Amsavalli
4. Visalam @ Visalatchi
5. Sankar
6. Sivakozhunthu
7. Gandhimathi

.. Petitioners

Vs.

1. Krishnamoorthy
2. Nagappan

.. Respondents

Prayer:- Civil Revision Petition filed under Section 115 of CPC to allow the Civil Revision Petition by setting aside the decreetal order and final order dated 02.01.2019 passed in I.A.396 of 2018 in I.A.359 of 2012 in O.S.517 of 1989 on the file of the learned District Munsif of Panruti.

For Petitioners : No appearance

ORDER

This Civil Revision Petition has been filed as against the order dated 02.01.2019 passed in I.A.396 of 2018 in I.A.359 of 2012 in O.S.517 of 1989 on the file of the learned District Munsif of Panruti, thereby dismissed the petition



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filed for reopening the application in I.A.No.359 of 2012 in O.S.517 of 1989.

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2. The legal heirs of the 7th defendant in the suit filed by the first respondent herein for partition, filed an application to set aside the exparte decree and to implead themselves as parties to the suit. When the said application was pending for enquiry, they filed petitions to amend the date of the sale deed in the affidavits filed in support of the petitions and the same were not yet numbered. The petition to implead them in the final decree proceedings was also not yet numbered. Their oral evidence were already closed. After closing their evidence, while pending for arguments, the petitioners filed a petition to reopen the said petition with allegations that the first respondent herein denied the signature in Ex.P1 and as such, it is necessary to reopen the petition.

3. A perusal of records revealed that the petition for amendment of the date of the sale deed was numbered in the affidavit filed in I.A.Nos.359 and 358 of 2012 were taken on file in I.A.Nos.33 and 32 of 2017 respectively and they were allowed on 15.03.2017. Subsequently, the amendment were also carried out and the petition seeking for comparison and expert opinion of the signature found in Ex.P1 in I.A.No.397 of 2018 was also dismissed.



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4. Therefore, there is absolutely no reason to reopen the application in I.A.No.359 of 2012 in O.S.517 of 1989. Hence, the Court below rightly dismissed the application and this Court finds no infirmity or illegality in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. No costs.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The District Munsif, Panruti.

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