



WEB COPY



CRP No.3280 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

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

C.R.P. No.3280 of 2016
and
C.M.P.No.16671 of 2016

1. B.Kannammal
2. G.Palanivel

.... Petitioners

Vs

1. Murugesan
2. M.Nallammal
3. Ponnusamy
4. Saraswathi
5. A. Kavitha
6. P.Ponnusamy
7. N.Gunasekaran
8. R.Shanmugavadivel
9. S.Periyasamy

.... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and final order passed in I.A.No.218 of 2015 in O.S.No.458 of 2006 on the file of the Additional District Munsif Court, Tiruchengode dated 31.07.2015.

For Petitioner	: Mr.V.S.Kesavan
For R1 to R4	: Mr.S.Manokaran
For R5 & R6	: Not ready in notice
For R7 to R9	: Mr.S.Kaithamalai Kumaran



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ORDER

This Civil Revision Petition has been filed to set aside the fair and final order dated 31.07.2015 passed in I.A.No.218 of 2015 in O.S.No.458 of 2006 on the file of the Additional District Munsif Court, Tiruchengode, thereby dismissing the petition to re-open the evidence of the plaintiffs.

2. The petitioners are plaintiffs in the suit filed for permanent injunction. The petitioners examined P.Ws.1 and 2. The second plaintiff was examined as P.W.1 and another witness was examined as P.W.2. After examining P.W.2, the plaintiffs evidence was closed. Thereafter, the petitioners filed an application to examine the first plaintiff as one of the witness without stating any reason. It was dismissed by the Court below for the reason that the said application is nothing but to fill up *lacuna*. If at all the first plaintiff wanted to examine himself as one of the witness, he would have examined himself as P.W.1. However, he failed to examine himself as witness and after examining P.Ws.1 and 2, the petitioners filed an application to re-open their evidence. Therefore, the Court below rightly dismissed the petition.



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3. In view of the above, this Court finds no infirmity or illegality in the order dated 31.07.2015 passed in I.A.No.218 of 2015 in O.S.No.458 of 2006 on the file of the Additional District Munsif Court, Tiruchengode. The Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order, if not already disposed of .

4. In the result, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

08.12.2022

Index : Yes/No
Internet : Yes/No
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To

The Additional District Munsif,
Tiruchengode.



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G.K.ILANTHIRAIYAN,J.

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