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C.R.P.(PD).Nos.1836 and 1837 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(PD).Nos.1836 and 1837 of 2022

and

C.M.P.No.9411 of 2022

Gunasundari

... Petitioner

Vs.

Ananthaai (died)

1.G.Periyasamy

2.Dhanapal Chinnasamy (Teacher)

3.Edward

4.G.Saratha

5.A.Valarmathi

6.Gowriammal

7.Gandhimathi

Anandaraj (Died)

Vinothkumar (Died)

8.Gunasekarn

9.M.Chandran

[The Respondents 1 to 4 and 6 to 9 are given
up in the above Civil Revision Petition]

... Respondents



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PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 08.04.2022 made in I.A.Nos.723 of 2017 and 292 of 2018 in O.S.No.138 of 2006, on the file of District Munsif Court, Perundurai.

For Petitioner : Mr.P.Saravana Sowmiyan

ORDER

These Civil Revision Petitions have been preferred challenging the order of the learned District Munsif, Perundurai dated 08.04.2022 made in I.A.Nos.723 of 2017 and 292 of 2018 in O.S.No.138 of 2006.

2. The petitioner is the plaintiff in the suit in O.S.No.138 of 2006. The suit was filed for the relief of permanent injunction against the 1st defendant. The claim of the revision petitioner is that she was the agreement holder of the suit property and she is in possession over the suit property and she should not be disturbed during the pendency of the suit. After the conclusion of the trial, a petition was filed to re-open the case and to receive reply statement, by filing the petitions in I.A.Nos.723 of 2017 and 292 of 2018 and the same were dismissed. Aggrieved over that the petitioner had preferred these revisions.



3. The learned counsel for the petitioner submitted that the necessity to reopen the suit and to file reply statement had arisen because of the subsequent sale made in favour of the 6th defendant. He has further submitted that a petition was filed under Order VI Rule 17 of CPC for adding the prayer for specific performance. The same was allowed on 13.06.2016. However the records would show that the order so passed by the learned trial Judge in I.A.No.37 of 2013 by allowing the plaintiff to amend the plaint was challenged by the 6th defendant in CRP.(PD).No.2623 of 2016 and the same was allowed on 26.03.2017 on the ground that the relief of specific performance is barred by limitation.

4. Even though the revision petitioner claimed himself as an agreement holder at the time of filing the suit and impleaded the original owner (1st defendant) and subsequent purchaser (6th defendant) as parties to the suit, he did not seek to pray the relief of specific performance. After allowing the suit for bare injunction pending for nearly 7 years, he came out with the petition for amending the plaint for adding the prayer for specific performance. The conduct of the plaintiff would show that his intention is only to drag on the proceedings and to be in possession of the property to the extent possible.



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The learned trial Judge rightly appreciated the conduct of the revision petitioner and other legal impediments and then dismissed the petition.

5. Therefore, I do not find any grounds to entertain these Revisions. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking / Non Speaking Order

dsa



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To

WEB COPY The District Munsif, Perundurai.



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R.N.MANJULA, J

dsa

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