



C.R.P.No.4037 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P. No. 4037 of 2022

and

CMP.No.20935 of 2022

Arya Gowda Road Balaji Apartments,
Resident Welfare Association,
Regn No.230/2003,
Rep. by its Secretary,
New No. 32/Old No. 81,
Arya Gowda Road,
West Mambalam, Chennai - 600 033.

... Petitioner / Plaintiff

Vs.

1. Sasikumar,
Shop No. 1, Door No. 32/81,
Arya Gowda Road,
West Mambalam, Chennai - 600 033.
2. E. Subramanian,
Shop No. 1, Door No. 32/81,
Arya Gowda Road,
West Mambalam, Chennai - 600 033.



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3. Lucy Surendran,
C-5, Thirumurugan Street,
Kalashetram Besant Nagar,
Chennai - 600 090.

4. C.A. Palanivel,
Shop No. 2,
M/s. Iggloo Associates,
Door no. 32/81, Arya Gowda Road,
West Mambalam, Chennai - 600 033.

5. A. Alagesan,
Managing Director,
Arthanari Loom Centre (Textile) Pvt. Ltd. ,
78, Sababathi Street, Erumapalayam Post,
Kalaramapatti, Salem - 636 005.

6. Padma,
Smart Coaching Centre,
Flat No. B. Balaji Apartments,
Door No. 32/81, Arya Gowda Road,
West Mambalam, Chennai - 600 033.

... Respondents/Defendants

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 27/10/2022 passed in I.A.No.2 of 2022 in O.s.No.1798 of 2015 pending on the file of VIII Assistant City Civil Court at Chennai.

For Petitioner : Mr.Anish Gopi for
P.B.Ramanujam for
P.B.Balaji



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ORDER

The Civil Revision Petition is filed challenging the fair and decreetal order dated 27.10.2022 passed in I.A.No.2 of 2022 in O.S.No.1798 of 2015.

2.The Revision Petitioner herein is the plaintiff who instituted a suit for declaration and permanent injunction in O.S.No. 1798 of 2015. The suit is pending for the past about 7 years. As per the order impugned, the suit reached the final stage and cross-examinations were completed. After completion of the cross-examination on 26.07.2022, after a lapse of about 2 months, the revision petitioner filed an Interlocutory application seeking permission to reopen the cross-examination in respect of the DW-2. The Trial Court considered the reasons stated in the Interlocutory application for reopening of cross-examination and the Trial Court found that there is no adequate reason for the purpose of considering the Interlocutory application filed by the revision petitioner.



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3.The findings of the Trial Court reveal that the suit reached almost the final stage and the cross-examination of DW-2 was completed. The revision petitioner already availed the opportunity of cross-examining DW-2 sufficiently and therefore, there is no reason to consider the claim of the revision petitioner to reopen the cross-examination of DW-2. The Trial Court in clear terms held that the revision petitioner has cross-examined DW-2 sufficiently and therefore, there is no necessity to provide further opportunity. The Trial Court further found that the revision petitioner has made an attempt to fulfill certain areas by reopening the cross-examination of DW-2 without assigning sufficient reasons. That apart, the Interlocutory application was filed to prolong and protract the litigation.

4.The idea of prolongation of the litigation, at the instance of the parties, under no circumstances be encouraged by the Courts. Conducting the case is the rule and adjournment is only an exception. Thus, the case once listed must be heard without any unnecessary adjournments. The practice of filing unnecessary Interlocutory applications in the civil litigation is increasing the longevity of the litigation and the Courts are



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expected to be vigilant while entertaining such Interlocutory applications and such ill motives have to be thwarted. Once the Court forms an opinion that the applications are filed to prolong and protract the litigation or complicate the issues, then, it is to be dealt with immediately and to be disposed of at the earliest possible.

5.In the present case, the Trial Court found that there is no adequate reason furnished by the revision petitioner for reopening the cross-examination of DW-2 and further found that the Interlocutory application was filed to prolong and protract the litigation.

6.Thus, this Court does not find any acceptable reason for entertaining the civil revision petition and accordingly the civil revision petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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09.12.2022

Index:Yes

Internet:Yes

Speaking Order

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S.M.SUBRAMANIAM.J.,

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To

1. VIII Assistant,
City Civil Court,
Chennai.

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