



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP (MD) .Nos.810 and 811 of 2022 and

CMP (MD) .Nos.3280 and 3281 of 2022

WEB COPY

- 1.Geetharamani
- 2.Devika
- 3.Jothilakshmi
- 4.Vanitha

.. Petitioners/Plaintiffs
in both CRPs

Vs.

- 1.S. Yogeswaran(died)
- 2.S.Thiyagarajan
- 3.S.Jayalakshmi
- 4.Karthiga
- 5.Karuppaiah(died)
- 6.Ganapathy
- 7.Subramanian
- 8.Muthu Saravanan
- 9.Vijayalakshmi
- 10.Minor Karthikeyan
- 11.Minor Sountharya
(Minor respondents 10 and 11 are rep.
through 9th respondent)
- 12.Kunjaram
- 13.Keerthana
- 14.Minor Ramesh
(rep. by 12th respondent
Kunjaram)

.. Respondents/Defendants
in both CRPs

Common Prayer: These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the fair order and decretal order, dated 16.02.2022 in I.A.Nos.2 and 3 of 2021 in O.S.No.29 of 2011 on the file of the Principal District and Sessions Court, Sivagangai.

For Petitioners in both CRPs .. Mr.K.C. Ramalingam
For 7th Respondent in both CRPs .. Mr. G.Prabhu Rajadurai

COMMON ORDER

The revision petitioners / plaintiffs have filed these two revisions to set aside the order, dated 16.02.2022 made in I.A.Nos.2 and 3 of 2021 in O.S.No.29 of 2011 on the file of the Principal District and Sessions Court, Sivagangai, which were filed to reopen and recall the evidence of DW.1.



2. Heard the learned counsel appearing for the petitioners and the counsel for 7th respondent. Since no adverse order passed against the respondents no notice is necessary to the respondents.

3. On perusal of the records it is seen that DW1 was cross examined on 24.08.2015 and also the defendants side evidence was closed on 22.09.2015. For the past six years, the revision petitioners have not taken any steps to recall the evidence of DW.1. Further, they have also filed impleading petition and amendment petition. But, the plaintiffs have blamed their previous counsel stating that he has not conducted the trial properly at the time of cross examination of DW.1. However, the plaintiffs side evidence was taken by the same counsel. So, the complaint against the counsel is not genuine. The DW.1 was completely cross examined in the year 2015 and thereafter, the plaintiffs have filed a petition after petition for the past six years. So, there is no genuine reason to reopen and recall the evidence of DW.1. Hence, this Court is not inclined to interfere with the order passed by the Court below.

4. Accordingly, these Civil Revision Petitions are dismissed by confirming the order, dated 16.02.2022 passed in I.A.Nos.2 and 3 of 2021 in O.S.No.29 of 2011 on the file of the Principal District and Sessions Court, Sivagangai. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

The Principal District and Sessions Judge, Sivagangai.

+2 CC to M/s.K.C. RAMALINGAM, Advocate (SR-17766,17767[F] dated 11/04/2022)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-18199[F] dated 12/04/2022)

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