



CRP(PD)(MD)No.1109 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1109 of 2019 and
CMP(MD) No.6068 of 2019

1.Anbumani
2.Elangovan

... Petitioners

Vs

1.Asan Mohamed
2.Arr Rahman Majeeth Pallivasal
Through its President,
T.S.No.6837, Thirukokarnam,
Vadakku Veethi,
Pudukkottai

... Respondents

Prayer: Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 20.06.2019 passed in I.A.No. 305 of 2019 in O.S.No.201 of 2010, on the file of the District Munsif Court at Keeranur and allow this Civil Revision Petition.

For Petitioners : Mr.R.Maheswaran
For Respondents : Ms.K.Mahalakshmi



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ORDER

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This Civil Revision Petition is filed as against the fair and decreetal order passed by the learned District Munsif, Keeranur in I.A.No.305 of 2019 in O.S.No.201 of 2010, dated 20.06.2019.

2.The petitioners/plaintiffs filed a suit in O.S.No.201 of 2010 before the District Munsif, Keeranur as against the defendants for the relief of declaration and for permanent injunction. Pending the suit, they have filed an interlocutory application in I.A.No.305 of 2019, under Section 151 of Civil Procedure Code to reopen the case for the purpose of examining some more witnesses on their side. The trial court dismissed the application that these petitioners have not adduced sufficient reasons for reopening the case and also the application has been filed at the stage of arguments. Aggrieved over the same, the present Civil Revision Petition is filed.



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3.The learned counsel appearing for the petitioners submits that pending the suit, the suit properties have been subdivided and hence it is necessary to examine the revenue officials. However, the trial Court has dismissed the application filed by the petitioners.

4.The learned counsel appearing for the respondents submits that these petitioners were examined in the year 2018 and three other witnesses have been examined on the side of the petitioners. They were also cross examined and thereafter the plaintiffs' side evidence was closed on 12.07.2018. Similarly, the defendants also adduced their evidence as DW 1 to DW 3 and the defendants' side evidence was closed on 13.03.2019. Thereafter, when the suit was listed for arguments on 16.03.2019, the petitioners have taken six adjournments and thereafter filed this present revision petition. Therefore, there is no necessity to interfere with the order of the trial Court.



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5.Heard both sides and perused the materials placed on record.

6.The petitioners/plaintiffs filed the above suit for declaration and for permanent injunction with regard to the suit schedule property in S.F.No.52. Both side evidence were closed on 12.07.2018 and on 13.03.2019 respectively. Thereafter, the case was posted for arguments on 16.03.2019 and at request of the learned counsel for the petitioner/plaintiff six adjournments were provided by the trial Court. While so, the petitioners filed the petition to reopen the case, wherein, he has not filed any list of witnesses to be examined and also there is no reasoning for what purpose they have to be examined. The contention of the petitioner is that pending the suit the property was subdivided. Since the petitioner has not assigned any valid reasons and has not mentioned about the proposed witnesses to be examined and also the application has been filed at the stage of arguments, the trial Court has rightly dismissed the application.



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7. In view of the above, this Court is not inclined to interfere with the order of the trial Court. Accordingly, this Civil Revision Petition is dismissed with a direction to the trial Court to conclude the proceedings within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

19.12.2022

Index : Yes / No.

Internet : Yes / No.

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To

The District Munsif Court at Keeranur.



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B.PUGALENDHI, J.

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