



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.04.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P (MD) Nos.186 and 187 of 2018

and

C.M.P (MD) No.875 of 2018

WEB COPY

C.R.P (MD) No.186 of 2018:

K.P.Shanmugar

... Petitioner/Petitioner/Defendant

Vs.

K.P.Thangaraj

... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decretal order, dated, 06.11.2017 passed in I.A.No.841 of 2017 in O.S.No.34 of 2011 on the file of Additional Sub-Court, Karur.

C.R.P (MD) No.187 of 2018:

K.P.Shanmugar

... Petitioner/Petitioner/Defendant

Vs.

K.P.Thangaraj

... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India as against the fair and decretal order, dated, 06.11.2017 passed in I.A.No.842 of 2017 in O.S.No.34 of 2011 on the file of Additional Sub-Court, Karur.

For Petitioner : Mr.M.P.Senthil (In both cases)

For Respondent : Mr.K.Suresh (In both cases)

ORDER

The defendant is the revision petitioner in both the revision petitions.

2.The plaintiff had filed a suit for partition and separate possession of half share in the suit schedule properties. The plaintiff was cross-examined in December 2013. The evidence on both the sides was closed and the suit was posted for arguments. The plaintiff has completed his arguments and also filed his written statements on 06.07.2017. Thereafter, the suit was adjourned on eight occasions to enable the defendant to make his submissions. At this stage, the defendant filed I.A.No.841 of 2017 to recall P.W.1 for further cross examination and I.A.No.842 of 2017 to re-open the case in order to recall P.W.1. The said applications have been dismissed by the trial Court on the ground that they have been filed much belatedly with an intention to procrastinate the proceedings. Challenging the said order, the present revision petitions have been filed.



3.Heard the learned counsels appearing for both the parties.

4.From the sequence of events narrated by the learned trial Judge, it is evident that P.W.1 was cross-examined in December 2013 and evidence on either side has been closed. Thereafter, the plaintiff has completed his arguments in July 2017. The suit has been adjourned on various dates on 8 occasions to enable the defendants to make his submissions. Only at that belated stage, the present applications have been filed.

5.I do not find any illegality or perversity in the order passed by the learned trial Judge, especially in the light of the facts that the present applications have been filed belatedly after a period of 4 years at the fag end of the trial.

6.The order passed by the trial Court in the above applications is confirmed. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Additional Sub-Court,
Karur.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-18891[F] dated 18/04/2022)

Order made in
C.R.P (MD) Nos.186 and 187 of 2018
13.04.2022

RS (11.05.2022) 2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>