



CRP(PD)(MD)Nos.1945 and 1946 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)Nos.1945 and 1946 of 2022

and

C.M.P.(MD)Nos.8897 and 8899 of 2022

Sankareshwari

... Petitioner in both
CRPs.

Versus

1. K.Chandran

2. The State of Tamilnadu through
The District Collector,
Palayamkottai Road,
Thoothukudi.

3. The Revenue Divisional Officer,
Ettayapuram Road,
Kovilpatti.

4. Venkatachalapathi

... Respondents in both
CRPs.

CRP(PD)(MD)Nos.1945 of 2022: Civil Revision Petition filed under
Article 227 of the Constitution of India, against the fair and decreetal



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order dated 17.06.2022 passed in I.A.No.583 of 2021 in O.S.No.72 of 2012 on the file of the District Munsif Court, Kovilpatti.

CRP(PD)(MD)Nos.1946 of 2022: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 17.06.2022 passed in I.A.No.584 of 2021 in O.S.No.72 of 2012 on the file of the District Munsif Court, Kovilpatti.

For Petitioner in
both CRPs. : Mr.S.V.Sambathkumar
For R2 and R3
in both CRPs. : Mr.M.Sarangan

COMMON ORDER

These Civil Revision Petitions are filed against the common order passed by the District Munsif Court, Kovilpatti, in I.A.Nos.583 and 584 of 2021 in O.S.No.72 of 2012, dated 17.06.2022.

2. The petitioner herein is the plaintiff in O.S.No.72 of 2012 pending on the file of the District Munsif Court, Kovilpatti. She filed the said suit for declaration to declare that she is absolute owner of the suit schedule property and to declare a patta issued by the Revenue



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Officials in favour of the first respondent as null and void and also for permanent injunction. In the said suit, evidence on both sides was closed and when the case was posted for arguments on 29.09.2021, the petitioner filed the above interlocutory applications in I.A.Nos.583 and 584 of 2021 on 16.11.2021 to reopen the plaintiff side evidence and recall P.W.1 to receive additional documents. However, the trial Court, by order dated 17.06.2022, dismissed the said applications. Aggrieved over the same, the present Civil Revision Petitions are filed.

3. The learned counsel appearing for the petitioner submits that as per Order 18 rule 17 C.P.C., a witness can be recalled at any stage of the suit. Further, the respondents herein have not filed any counter affidavit in the above said applications and not denied any averments made in the applications for re-opening and recalling the evidence of P.W.1. The learned counsel further submits that initially, the petitioner does not have the knowledge about the documents and during the trial only, she came to know that there were documents of the year 1927,



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1938 and 1998 which relate to the suit properties. Therefore, she filed the above applications to recall and reopen P.W.1 to receive the additional documents. But, the trial Court, without considering the said fact, dismissed the said applications.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. The proposed additional documents are registered documents. Though the petitioner, by obtaining certified copies of those documents, filed the above said applications to reopen and recall P.W.1 to receive the additional documents, she has not assigned any valid reasons for the delay in producing those documents and the relevancy of the documents. Therefore, the trial Court has dismissed the said applications. Hence, this Court is not inclined to interfere with the order passed by the trial Court.



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6. Accordingly, both the Civil Revision Petitions are dismissed.

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7. Considering that the suit is of the year 2012 and it was posted for arguments as early as in the month of September 2021, the trial Court is directed to dispose of the suit in O.S.No.72 of 2012, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2022

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To

1. The District Munsif Court,
Kovilpatti.



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B.PUGALENDHI, J.

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