



C.R.P.Nos.4197 & 4198 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.Nos.4197 & 4198 of 2015

and

M.P.No. 1 of 2015

R.Jayabalan

....

Petitioner in both CRPs

Vs

1. Mahadevi
2. Thirusadai @ Anandhi
3. Bhakiyam
4. Nallammal
5. Rajeswari
6. Mahalingam
7. Perumal
8. Santha
9. Mahendran
10. Selvarani
11. Chitra

....

Respondents in both CRPs

COMMON PRAYER :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and final order dated 18.03.2015 passed in I.A.Nos.21 & 22 of 2015 in O.S.No.891 of 2010 on the file of the Principal District Munsif, Salem.

In both CRPs

For Petitioner : Mr.R.Nalliyappan

For Respondents : No appearance

COMMON ORDER



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These Civil Revision Petitions have been filed to set aside the fair and final orders dated 18.03.2015 passed in I.A.Nos.21 & 22 of 2015 in O.S.No.891 of 2010 on the file of the Principal District Munsif, Salem, thereby dismissing the petitions filed to re-open and re-call the plaintiff's side witnesses.

2. It is seen that the revision petitioner is the second defendant in the suit filed by the respondents 1 to 3 herein for partition. After examination of plaintiff's side witnesses, the suit was posted for cross-examination. At that juncture, the second defendant was absent and he was set ex-parte. Therefore, an ex-parte order was passed and the same was allowed. Again, the petitioner filed petitions to re-open and re-call the plaintiff's side witnesses for cross examination. However, the petitioner did not cross examine the plaintiff's side witnesses.

3. On the other hand, the petitioner filed application under Order 7 Rule 11 of CPC for rejection of plaint and the same was dismissed. Aggrieved by the same, the petitioner did not prefer any revision or appeal. Again, the petitioner filed a petition to re-open and re-



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call the plaintiff's side witnesses. Therefore, the petitioner failed to avail the opportunity given to cross examine the plaintiff's side witnesses. Therefore, the Trial Court rightly dismissed the petitions.

4. In view of the above, this Court finds no infirmity or illegality in the orders dated 18.03.2015 passed in I.A.Nos.21 & 22 of 2015 in O.S.No.891 of 2010 on the file of the Principal District Munsif, Salem. Accordingly, these Civil Revision Petitions stand dismissed. Consequently, connected miscellaneous petition is closed. No costs.

25.01.2023

Index:Yes/No
Internet:Yes/No
Lpp

To

The Principal District Munsif,
Salem.

G.K.ILANTHIRAIYAN, J.

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