



C.R.P.Nos.2911 and 2912 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2023

CORAM

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

C.R.P.Nos.2911 and 2912 of 2019
and C.M.P.No.18852 of 2019

Chinnasamy (Died)

1. Rathinam

2. R.Parathasarathy

... Petitioners **in both C.R.Ps**

Vs.

1. Ranganathan

2. Mani Maruthachalam

Gopal (Died)

3. Ponnammal

... Respondents **in both C.R.Ps**

Common Prayer :- Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the fair and decreetal dated 01.08.2019 made in I.A.No.1 of 2019 in O.S.No.2085 of 2005 and in I.A.No.2 of 2019 in O.S.No.2085 of 2005 on the file of II Additional District Munsif, Coimbatore by allowing the Civil Revision Petitions.

In both C.R.Ps

For Petitioners : Mr.N.Ponraj

For Respondents

R1 to R3 : Dr.C.Ravichandran

COMMON ORDER

These Civil Revision Petitions have been filed as against the fair and decreetal dated 01.08.2019 made in I.A.No.1 of 2019 in O.S.No.2085 of 2005



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and in I.A.No.2 of 2019 in O.S.No.2085 of 2005 on the file of II Additional District Munsif, Coimbatore, thereby dismissing the petition to reopen the case and recall of D.W.1.

2. Both the applications were filed when the main suit was reserved for Judgment. The petitioners are the plaintiffs and they filed a suit for declaration and consequential injunction in respect of the suit properties.

3. On the side of the defendants, D.W.1 was examined and arguments also were heard. Thereafter, the Trial Court reserved the Judgment in the main suit. At that juncture, the petitioners filed an application to reopen the case and recall of D.W.1 for further cross examination and the same were dismissed. Aggrieved by the same, these present Civil Revision Petitions.

4. Pending these petitions, the person who was examined as D.W.1, died on 07.10.2020. Therefore, the prayer sought for in these petitions before the Trial Court become infructuous. The Trial Court is directed to dispose of the suit, within a period of four weeks from the date of receipt of a copy this order.



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5. Accordingly, these Civil Revision Petitions are dismissed as infructuous. Consequently, connected Miscellaneous petition is closed. No costs.

10.02.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

mn

To

The II Additional District Munsif, Coimbatore.

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and C.M.P.No.18852 of 2019

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