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C.R.P. Nos. 3679, 3681 & 3682 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

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THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.3679, 3681 & 3682 of 2022

and

C.M.P.No.19496 of 2022

Ragu

... Petitioner in all CRPs

Vs

1. Natarajan

2.N.Velukumar

... Respondents in all CRPs

PRAYER in all CRPs : Civil Revision Petitions filed Under Article 227 of Constitution of India, praying to set aside the Fair Order and Decretal order dated 27.10.2022 passed in I.A.Nos. 2 of 2022, 3 of 2022 & 4 of 2022, respectively in O.S.No.420 of 2012 on the file of the XIV Assistant City Civil Court, Chennai.

For Petitioner in all CRPs : Ms.S.P.Arthi

For Respondents in all CRPs : Mr.E.Hariharan



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COMMON ORDER

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The petitioner has prayed to set aside the Fair and Decretal order dated 27.10.2022 passed in I.A.Nos. 2 of 2022, 3 of 2022 & 4 of 2022, respectively in O.S.No.420 of 2012 on the file of the XIV Assistant City Civil Court, Chennai.

2. The revision petitioner herein is the plaintiff in O.S.No.420 of 2012, which is filed for permanent injunction and other consequential reliefs. Before the trial Court, the petitioner adduced his evidence as PW1 and also cross examined the defendants. The petitioner has filed I.A.Nos.2, 3 and 4 of 2022, before the learned XIV Assistant Judge, City Civil Court, Chennai, to reopen, to recall of P.W.1 and to mark additional documents.

3.The learned counsel for the defendant submitted that, at the time of final arguments only the petitioner has come forward with these applications in I.A.Nos.2, 3 and 4 of 2022, to reopen the case, for recall of P.W.1 and to mark additional documents. Further, the petitioner side evidence was closed on 10.08.2018, and it has been 4 years since then and



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at the time of final arguments only the petitioner has come up with these applications.

4. On considering the submissions of both sides, the learned trial Judge dismissed the applications on 27.10.2022, without assigning proper reasons at an earlier point of time. Now the case is posted for arguments. The plaintiff filed those applications after adducing the evidence of witnesses namely, the Taluk Surveyor and the Advocate Commissioner on his side. The main issue with regard to location of plot and boundary of the suit property and if permission is not granted according to the petitioner, his valuable right will be defeated. However, the contention of the defendant is that after 4 years the petitioner filed application to recall himself.

5. Considering the nature of the relief, and that the suit is only posted for arguments, in order to provide an opportunity, the plaintiff is permitted to examine himself and mark other documents, which shall be received by the learned trial Judge at the time of disposal of the suit, otherwise it will lead to multiplicity of proceedings. Already, cost was paid. Accordingly, the



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order passed by the learned trial Judge is set aside and further the learned trial Judge is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, these Civil Revision Petitions are allowed.

Consequently, connected Miscellaneous petition is closed. No costs.

06.04.2023

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation: Yes/No

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To

1. The XIV Assistant Judge, City Civil Court, Chennai.
2. The Section Officer, VR Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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