



C.R.P. Nos.3955 & 3956 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 17.11.2023

CORAM

**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

C.R.P.Nos.3955 & 3956 of 2023  
and  
C.M.P. Nos. 24323 & 24327 of 2023

Purushothaman

... Petitioner in  
both C.R.P.s

Vs

- 1 Loganatha Pillai
- 2 Nirmala Devi.
- 3 Parvathi
- 4 Raghavan
- 5 Rajkumar
- 6 T.S.Krishnan

... Respondents in  
both C.R.P.s

**PRAYER in C.R.P.No. 3955 of 2023 :** Civil Revision Petition is filed under Art.227 of Constitution of India, praying to set aside the order and decreetal order dated 07.09.2023 passed by the learned Addl. District Munsif, Poonamallee passed in I.A.No.2 of 2023 in O.S.No.198 of 2015.



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**PRAYER in C.R.P.No. 3956 of 2023 :** Civil Revision Petition is filed under Art.227 of Constitution of India, praying to set aside the order and decreetal order dated 07.09.2023 passed by the learned Addl. District Munsif, Poonamallee passed in I.A.No.3 of 2023 in O.S.No.198 of 2015.

For Petitioner in  
both C.R.P.s : Mr.D.Thanigai Vasan

### **COMMON ORDER**

Challenging the impugned orders passed in I.A.Nos.2 and 3 of 2023 in O.S.No. 198 of 2015 passed by the learned Addl. District Munsif, Poonamallee, the revision petitioner/plaintiff preferred these Civil Revision Petitions.

2. Since the relief claimed challenging the impugned orders passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner/plaintiff filed a suit in O.S.No. 198 of 2015 seeking for the relief of permanent injunction against the defendants. The defendants also contested the suit and filed their written statement. Now, the case is ripe for trial. After closure of evidence, the plaintiff the interlocutory applications in I.A.Nos.2 and 3 of 2023 to reopen and recall and permit him to adduce further evidence viz., Trustee, to



whom the property said to be belonged. The said applications were objected by the defendants stating that after closure of evidence, the plaintiff came forward with the said applications. Considering submissions of both sides, the trial judge dismissed the applications stating that sufficient opportunity was given to the plaintiff before closing evidence, but he has not taken any steps to adduce evidence and the relevancy of witness also not been properly explained. Aggrieved over the said findings, the plaintiff preferred these Civil Revision Petitions.

4. Records perused. On perusal of facts, it reveals that the plaintiff filed the suit in the year of 2015 and now the case is riped for trial and both the plaintiff and defendants adduced their evidence. After closure of evidence, the plaintiff filed the applications to reopen and recall and permit him to adduce further evidence. But, the trial judge held that inspite of sufficient opportunity given to the plaintiff, he has not taken steps to adduce evidence, thereby dismissed the said applications. However, by way of reply, the learned counsel for Revision Petitioner would submit that during Covid-19 pandemic period, the evidence was closed, so after the cross-examination of D.W.1, necessity arose for him to examine further. If



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opportunity is not given to him, his valuable right to protect his property will be defeated. Therefore, the reasons assigned by the Revision Petitioner is justifiable one and the observation made by the trial judge is liable to be set aside. Accordingly, these Civil Revision Petitions are allowed and the findings of the trial judge in I.A.Nos.2 and 3 of 2023 in O.S.No. 198 of 2015 are set aside and both the applications are ordered to be allowed. The Revision Petitioner is directed to adduce appropriate evidence within a period of two weeks from the date of receipt of copy of this order and after such evidence is adduced, liberty is granted to the respondents to put forth their suggestions to the witness by way of cross-examination. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

**17.11.2023**

Index : Yes/No  
Speaking Order : Yes/No  
rpp

To  
Addl. District Munsif,  
Poonamallee.



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**T.V.THAMILSELVI, J.**

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