



WEB COPY

C.R.P.No.4176 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.No.4176 of 2022
and
C.M.P.No.21870 of 2022

Velu Goundar

... Petitioner

Vs.

1.Janarthanam

2.Suresh Mani

3.The State of Tamil Nadu,
Represented by its Vellore District Collector,
Having Office at Sathuvachari,
Vellore.

4.The District Revenue Development
Administrative Officer, Sathuvachari,
Vellore,
Vellore District.

5.The Tahsildar,
Gudiyattam Taluk,
Vellore District.

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decretal Order dated 16.11.2022 passed in I.A.No.2 of 2022 in O.S.No.106 of 2008 on the file of District Munsif, Gudiyattam.



For Petitioner : Mr.M.Marudhachalam
For R1 & R2 : No appearance
For R3 to R5 : Mr.P.Harish,
Government Advocate (CS)

ORDER

The Civil Revision Petition has been filed against the Fair and Decreetal Order dated 16.11.2022 passed in I.A.No.2 of 2022 in O.S.No.106 of 2008 on the file of District Munsif, Gudiyattam.

2. The Suit was instituted for recovery of possession in the year 2008. The oral evidence of the revision petitioner / plaintiff was closed by the Trial Court on 22.12.2009. While so, after a lapse of about 12 years, the revision petitioner / plaintiff filed an Interlocutory Application in I.A.No.2 of 2022 under Section 151 of the Civil Procedure Code to re-open the above Suit for the plaintiff's further oral evidence, which was closed on 22.12.2009. The Interlocutory Application was filed in view of filing of the subsequent amended plaint with additional prayer and payment of Additional Court Fee for Additional prayer by the petitioner / plaintiff and to prove the contentions in the additional plaint.



3. The Trial Court considered the issues and found that the Suit is for Declaration and Recovery of Possession. The plaintiff filed an Interlocutory Application to re-open the Suit for additional plaintiff's side evidence, which was closed on 22.12.2009. The revision petitioner / plaintiff had knowledge about the amended and additional written statement during the relevant point of time. However, the revision petitioner has failed to initiate any appropriate action and waited for long time and at the stage of cross of DW1, he has filed an Interlocutory Application to re-open the evidence, which was closed on 22.12.2009.

4. The revision petitioner / plaintiff had not taken any steps for more than 12 years to re-open the additional plaintiff's side evidence. Thus, the Trial Court dismissed the Interlocutory Application, against which the present Civil Revision Petition is filed.

5. This Court is of the considered opinion that the parties are expected to pursue the Suit vigilantly. In the present case, the revision petitioner / plaintiff had knowledge about the amendment and the additional written statement in the year 2009 itself. However, he has chosen to file Interlocutory Application after a lapse of the past about 12 years to re-open



the additional plaintiff's side evidence and thus, the Court drew such inference that such Interlocutory Applications are filed to drag on the proceedings and more specifically, the Suit was instituted in the year 2008 and pending for the past about 14 years.

6. Unnecessary Interlocutory Applications, if filed by anyone of the parties to the Suit are to be dealt with accordingly and the Trial Court has to dispose of the same as expeditiously as possible. If the Court found that such frivolous Interlocutory Applications are filed or otherwise to drag on the proceedings, then maximum costs is to be imposed on such applications to thwart the idea of prolonging the Suit indefinitely by either of the parties.

7. Courts are expected to be vigilant in dealing with such Interlocutory Applications, if at all, filed with an idea to prolong and protract the issues. Any such application is to be filed within a reasonable period of time and in the present case, the Suit is pending for more than 12 years and after the matter was posted for the cross of DW1, the revision petitioner has chosen to file such Interlocutory Application. Thus, this Court do not find any infirmity or perversity in respect of the order passed by the Trial Court in dismissing the Interlocutory Application.



8. Accordingly, the order dated 16.11.2022 passed in I.A.No.2 of 2022 in O.S.No.106 of 2008 stands confirmed and consequently, the Civil Revision Petition in C.R.P.No.4176 of 2022 stands dismissed. No costs. Consequently, Connected miscellaneous petition is closed.

23.01.2023
(2/2)

Skr
Index : Yes
Neutral Citation : Yes
Speaking order

To

- 1.The Judge,
District Munsif,
Gudiyattam.
- 2.The Vellore District Collector,
State of Tamil Nadu,
Having Office at Sathuvachari,
Vellore.
- 3.The District Revenue Development
Administrative Officer, Sathuvachari,
Vellore, Vellore District.
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S.M.SUBRAMANIAM, J.

Skr

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