



C.R.P(MD)Nos.962 and 963 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)Nos.962 & 963 of 2023

and

CMP(MD)Nos.4390 & 4389 of 2023

C.R.P(MD)No.962 of 2023

1.Kalyani
2.Muthuvel

...Petitioners/Petitioners/Plaintiffs

Vs.

Velan (Died)
1.Periyaiah
2.Saravanan
3.Chandran

.. Respondents/Respondents /Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.247 of 2023 in O.S.No.37 of 2014 on the file of the District Munsif Court, Aranthangi, dated 28.03.2023.

For Petitioners : Mr.T.Lenin Kumar

C.R.P(MD)No.963 of 2023

1.Kalyani
2.Muthuvel
3.Murugesan
4.Jeyabalan

...Petitioners/Petitioners/Defendants



C.R.P(MD)Nos.962 and 963 of 2023

Vs.

1.Periyaiah
2.Saravanan
3.Chandran

.. Respondents/Respondents /Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order passed in I.A.No.251 of 2023 in O.S.No.144 of 2016 on the file of the District Munsif Court, Aranthangi, dated 28.03.2023.

For Petitioners : Mr.T.Lenin Kumar

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the orders dated 28.03.2023, passed in I.A.Nos.247 of 2023 in O.S.No.37 of 2014 and I.A.No.251 of 2023 in O.S.No.144 of 2016, by the learned District Munsif, Aranthangi.

2.By the impugned order dated 28.03.2023, passed in I.A.No.247 of 2023 in O.S.No.37 of 2014, the learned District Munsif, Aranthangi, had dismissed the said application filed by the petitioners to amend the description of the suit schedule property.

3.By the impugned order dated 28.03.2023, passed in I.A.No.251 of 2023 in O.S.No.144 of 2016, the learned District Munsif, Aranthangi, had dismissed the said application filed by the petitioners to re-open the



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case to enable them to recall P.W.1 and cross-examine him with respect to pathway in the suit schedule property.

4.The petitioners are the plaintiffs in O.S.No.37 of 2014 and defendants in O.S.No.144 of 2016 before the District Munsif Court, Aranthangi. O.S.No.37 of 2014 has been filed for a permanent injunction to restrain the respondents/defendants from interfering with the peaceful possession of the pathway land on northern side of the house property in S.No.35/6, New S.No.35/6B.

5.The respondents herein have filed a rival suit 2 years later in O.S.No.144 of 2016 against the petitioners in respect of the very same property for declaring the aforesaid pathway situated in S.No.35/6 as their absolute property. It is the further case of the petitioners that they came to know about the survey number only after they got a chance to see the sale deed executed in favour of the second respondent namely, Saravanan (third defendant in O.S.No.37 of 2014/second plaintiff in O.S.No.144 of 2016) at the stage of argument.

6.The learned counsel for the petitioners fairly concedes that the applications were filed only at the time of argument.



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7.I have considered the argument advanced by the learned counsel
for the petitioners.

8.These applications were filed when the cases were to be argued.
I therefore find no merits in these Civil Revision Petitions. No useful
purpose will be served by allowing these Civil Revision Petitions at this
stage, considering the fact that the identity of the property in question is
not in dispute.

9.Accordingly, these Civil Revision Petitions are dismissed. No
costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dss



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To
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The District Munsif,
Aranthangi.



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C.SARAVANAN,J.

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