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CRP (MD) No.1612 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	18.08.2023
Pronounced on	15.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

CRP (MD) No.1612 of 2023

and

CMP(MD)No.7889 of 2023

Vanitha Ramadoss

... Petitioner

Vs.

1.The District Collector Cum Election Officer,
Collectorate Road,
Tiruchirappalli.

2.The Returning Officer/Commissioner,
Tiruchirappalli City Corporation,
Tiruchirappalli.

3.The Assistant Returning Officer-8/A.E.E
K.Abishekapuram Zone,
Puthur, Tiruchirappalli.

4.Vijaya Jeyaraj

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the decree and order dated 08.06.2023 in I.A.No.02 of



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2023 in Election O.P.No.157 of 2022 on the file of the learned Principal District Judge, Tiruchirappalli.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 : Mr.G.Suriyananth
Additional Government Pleader

For R2 & R3 : Mr.R.Baskaran
Senior Counsellor
for M/s.R.B.Law Associates

For R4 : No appearance

ORDER

The above civil revision petition is preferred as against the order passed in I.A.No.02 of 023 in Election.O.P No.157 of 2022 on the file of the learned Principal District Judge, Tiruchirappalli.

2. According to the revision petitioner, he filed the above petition for the relief of declaration that the election of the fourth respondent as a counsellor in Ward No.II of Tiruchirappalli City Municipal Corporation in the election held on 19.02.2022, results declared on 22.02.2022, as null and



void and declaring the petitioner as the elected candidate in that election. In the said petition, the petitioner side wants to examine some witnesses regarding some documents. Those documents are very essential to decide the case. Hence, the petitioner filed a petition in I.A.No.2 of 2022 to reopen the case in order to mark some vital documents through the witnesses. However, the trial Court dismissed the same, against which, the present civil revision petition is preferred.

3. The learned counsel appearing for the revision petitioner would submit that a particular fact can be established only during the trial by producing relevant documents and the same cannot be deprived of. He would submit that the trial Court failed to appreciate the fact that the petitioner herself admitted that her husband was doing contract work with the Corporation and therefore, it is relevant to prove the written of the letter given by her husband for withdrawal as contractor is very much relevant and the trial Judge ought to have permitted the revision petitioner to prove the above facts by marking the relevant register. He would further submit that the CCTV footages are very much relevant to establish the objections



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submitted by the revision petitioner, which are in the custody of the respondents and the trial Court ought to have permitted to prove the same in accordance with law. Only after cross examination of the witnesses and from their admission, the revision petitioner came to know about certain vital aspects and in view of the same, she filed the above petition to reopen the evidence for marking of certain vital documents to establish his case. Hence, he prays for setting aside the order passed in I.A.No.2 of 2023 by the learned Principal District Judge, Tiruchirappalli, dismissing the application for marking the documents.

4. On the other hand, the learned counsel appearing for the respondents 2 and 3 would contend that the claim of the petitioner was rightly rejected by the trial Court, since it is unsustainable and unacceptable. The petition is bereft of details as to who are the witnesses and what the documents the petitioner intended to examine and mark. The attempt of the petitioner was only to drag on the proceedings and therefore, the trial Court has rightly dismissed the application filed by the petitioner, which calls for no interference.



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5. Heard on both sides and records perused.

6. The Election.O.P.No.157 of 2022 was filed before the learned Principal District Judge, Tiruchy, on the ground that the election was not properly conducted. The election of fourth respondent as a Counsellor in Ward No.11 of Tiruchirappalli City Municipal Corporation to be declared as null and void and also to declare the petitioner as the elected candidate in the said election. On perusal of the records, it is seen that the petitioner's side evidence was closed on 16.02.2023 and on the respondents' side, RW1 and RW2 were examined and the evidence was closed on 20.03.2023. While so, when the matter was posted for arguments, the petitioner has come forward with the said application for marking of document through her witness. As rightly pointed out by the learned counsel appearing for the respondents, the petitioner neither stated the details of the witnesses nor the documents, which she intended to mark. Therefore, there is no specific reason given by the petitioner in the petition to reopen the case, that too, at the stage of arguments. Moreover, a direction was already given by this Court to dispose of the case at the earliest. Therefore, the petition has been rightly dismissed



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by the trial Court, which calls for no interference. Accordingly, this Civil

Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.09.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Principal District Judge,
Tiruchirappalli.

2.The District Collector Cum Election Officer,
Collectorate Road,
Tiruchirappalli.



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K.GOVINDARAJAN THILAKAVADI

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order made in
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15.09.2023