



CRP(NPD)(MD).No.1560 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2023

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.1560 of 2018

and

C.M.P.(MD)Nos.6835 of 2018 and 1387 of 2021

D.Senthilkumar

: Petitioner

Vs.

1.Mookan @ Mookiah (Died)

2.Selvakumar

3.Murugan

4.R.Peyathevan

5.The Sub Registrar,

Office At,

N.R.T. Main Road,

N.R.T. Nagar,

Theni Town,

Theni District.

6.The District Collector,

Office at,

The Collectorate,

Madurai Road,

Theni,

Theni District.



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7.M.Pinniyammal
8.M.Ravichandran
9.M.Jeyalakshmi
10.M.Thamaraiselvi
11.S.Parameswari
12.Jayanthi
13.Pandian
14.Vinothini
15.Seeniammal

: Respondents

*[R12 to R15 are brought on record as LRs of the deceased
4th respondent vide order dated 15.09.2023 made in
C.M.P.(MD)Nos.6875, 6877 and 6881 of 2021]*

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to revise the fair and decretal order dated 27.03.2018 made in I.A.No.541 of 2017 in O.S.No.149 of 2013, on the file of the learned District Munsif, Periyakulam, Theni District forthwith.

For Petitioner : Mr.S.Palani Velayutham
Respondents 1,2 & 4 : Died
For Respondents 3, 12 to 15 : No appearance
For Respondents 5 & 6 : Mr.M.Senthil Ayyanar
Government Advocate
For Respondents 7 to 11 : Mr.M.Senthilkumar



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ORDER

WEB COPY This Civil Revision Petition is filed praying to revise the fair and decretal order dated 27.03.2018 made in I.A.No.541 of 2017 in O.S.No.149 of 2013, on the file of the learned District Munsif, Periyakulam, Theni District.

2.The learned Counsel for the petitioner would submit that the dismissal of the reopen application is erroneous and would further submit that in order to prove his case more effectively and to avoid adverse inference, the re-call P.Ws.1 and 2 is essential and an application has been preferred by the petitioner. The said application was objected by the respondents that there is no *bonafide* on the part of the petitioner and that there is an enormous delay and ultimately, the Court below has dismissed the application on the finding that the very application has been filed only to drag on the case. Aggrieved by the said order, the plaintiff is before this Court.

3.I have given my anxious consideration to either side submissions and perused the records.

4.As rightly contended by the learned Counsel for the respondents, P.W.1 was examined during the year 2019 and after



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examining the other side evidence, the instant application has been filed only at the time when the suit was posted for arguments, that too after four years. It is also pertinent to mention that the suit is of the year 2009 and the Court found that the trial has been delayed only because of the conduct of this petitioner and therefore, in view of the above finding of fact and the fact that there was a huge delay from the date of examining of P.W.1 and the filing of the application and also finding that the suit is in the stage of arguments, this Court does not find any merit in this petition.

5. Accordingly, this Civil Revision Petition is dismissed. However, considering the long pendency, this Court deem it appropriate to dispose of the suit as expeditiously as possible, preferably within a period of three [3] months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

25.09.2023

Index : Yes / No

Internet : Yes / No

MR



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To

1.The District Munsif,
Periyakulam,
Theni District

2.Sub Registrar,
Office At,
N.R.T. Main Road,
N.R.T. Nagar,
Theni Town,
Theni District.

3.The District Collector,
Office at,
The Collectorate,
Madurai Road,
Theni,
Theni District.

4.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN, J.,

MR

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25.09.2023