



C.R.P(PD)(MD)No.2365 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.09.2023

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(PD)(MD)No.2365 of 2023

and

C.M.P.(MD)No.12122 of 2023

1.Vellaiammal

2.Rajendran : Petitioners/Respondents/Defendants

Vs.

Dhanapal : Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in fair order and decreetal order, dated 04.07.2023 passed in I.A.No.1 of 2023 in O.S.No.347 of 2021 on the file of the learned II Additional District Judge, Tiruchirappalli and allow this revision by setting aside the said orders and dismiss the said I.A.No.1 of 2023.

For Petitioners : Mr.C.Dhanaseelan



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ORDER

The instant Civil Revision Petition has been filed against the order, dated 04.07.2023, passed in I.A.No.1 of 2023 in O.S.No.347 of 2021 on the file of the learned II Additional District Judge, Tiruchirappalli, for reopening the plaintiff's side evidence.

2. The learned counsel for the petitioners would submit that the suit is of the year 2021 and that the respondent/plaintiff has filed this application only to fill up the *lacunae*.

3. From the perusal of the records, the trial Court has posted the case on 13.02.2023 and 16.02.2023 for further evidence of the plaintiff. Since there was no representation on 16.02.2023, the Court below has closed the evidence of the plaintiff. In such circumstances, within the short period, the plaintiff has filed the application in I.A.No.1 of 2023 on 27.02.2023. Therefore, this Court could not find any substances that the application has been filed to fill up the *lacunae*.



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4. The next ground urged by the learned counsel for the petitioners is that there is no list of witnesses provided by the plaintiff. But, on perusal of the records, while examining the pervious two witnesses, no list has been provided. Therefore, considering all these circumstances, this Court finds that there is no perversity in the order passed by the Court below. Hence, this Court could not find any grounds to interfere with the same. However, considering the facts and circumstances and the stage of the case, this Court deems it appropriate to give a direction to the Court below.

5. In the result, the instant Civil Revision Petition stands dismissed. The Court below is directed to dispose of the suit as expeditiously as possible preferably within a period of three months from the date of receipt of copy of this order. There shall be no order as to cost. Consequently, connected Miscellaneous Petition is closed.

20.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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C.KUMARAPPAN,J.

das

To

- 1.The II Additional District Judge,
Tiruchirappalli.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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