



C.R.P.(MD)Nos.2773 and 2774 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.2773 and 2774 of 2023

and

C.M.P.(MD)No.14499 of 2023

1. Periyardoss

2. Nallathambi

3. Anjugam

4. Vetrimani

... Petitioners in
both petitions

Vs.

1. Samuvel

2. Chandran

Varalakshmi (Died)

3. Ramanujam

4. Renganayagi

5. Revathi

6. Radhakrishnan



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7. Sri

8. Seenivasa Balakrishnan

... Respondents in
both petitions

(Respondents 1 and 2 may be given up)

Common Prayer : These Civil Revision Petitions filed under Section 115 of CPC, to set aside the fair and decreetal order dated 27.03.2023 made in I.A.Nos.863 of 2022 and 864 of 2022 in O.S.No.229 of 2015 on the file of District Munsif Court, Kovilpatti and allow these civil revision petitions.

(in both petitions)

For Petitioners : Mr.P.Rajagopalan

COMMON ORDER

These Civil Revision Petitions are directed against the common order passed in I.A.Nos.863 of 2022 and 864 of 2022 in O.S.No.229 of 2015 dated 27.03.2023 on the file of the District Munsif Court, Kovilpatti, dismissing the petitions, one to reopen the plaintiffs' side evidence and other one to recall P.W.1 for cross-examination.

2. The respondents 3 to 8/plaintiffs have laid the above suit to declare that the suit properties were belonging to the respondents 3 to 8/



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plaintiffs and the legal heirs of the deceased Seenivasan and for recovery of possession from the defendants 2 and 3 and also challenged the sale deed dated 03.08.2015 allegedly executed by the first petitioner/first defendant in favour of the third defendant.

3. It is evident from the records that the trial was commenced on 08.04.2021, that when the case was posted for cross-examination of P.W.1, despite taking sufficient opportunities, the first petitioner/first defendant has not chosen to cross-examine the said witness and subsequently, the defendants 2 and 3 side cross-examined the P.W.1 and after closure of the plaintiffs' side evidence, the defendants 2 and 3 side evidence was adduced and that when the case was posted for arguments, the above petitions came to be filed.

4. As already pointed out, the defendants 2 and 3 are contesting the suit now. Moreover, the respondents 3 to 8/plaintiffs have claimed relief of declaration and recovery of possession against the defendants 2 and 3 and also challenged the sale deed dated 03.08.2015 executed by the first petitioner/first defendant in favour of the third defendant.



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5. As rightly observed by the learned trial Judge, the revision petitioners/defendants 1, 4 to 6, despite granting more opportunities, have not utilized the same and that the above petitions came to be filed only to drag on the proceedings further.

6. Considering the above facts and circumstances, the impugned common order dismissing the petitions cannot be found fault with. Hence, this Court concludes that the revisions are devoid of merit and the same are liable to be dismissed.

7. In the result, these Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

31.10.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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WEB COPY **To**

1. The District Munsif Court,
Kovilpatti.
2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)Nos.2773 and 2774 of 2023
and
C.M.P.(MD)No.14499 of 2023

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