



C.R.P.(MD)No.3060 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3060 of 2023
and
C.M.P.(MD)No.15790 of 2023

Christraj

... Petitioner

Vs.

1. Xavier

2. Victoria Rani

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 05.09.2023 passed in I.A.No.329 of 2023 in O.S.No.465 of 2012 on the file of Principal District Munsif Court, Dindigul.

For Petitioner : Mr.M.P.Senthil

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.329 of 2023 in O.S.No.465 of 2012 dated 05.09.2023, on the file



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of the Principal District Munsif Court, Dindigul, dismissing the application to reopen the case.

2. The revision petitioner/plaintiff has filed the suit in O.S.No.465 of 2012 claiming permanent injunction restraining the respondents/defendants and their men from in any manner interfering with the peaceful possession and enjoyment over the 1st item of the suit property, either in the guise of laying a pipeline in the suit property or otherwise and for permanent injunction restraining the respondents/defendants and their men from in any manner interfering with the revision petitioner/plaintiff's right of taking water from the second item of the suit common well to his lands.

3. It is seen from the records that the trial was commenced as earlier as on 08.06.2018 and the evidence of both the sides were ordered to be closed on 11.01.2023 and that since the revision petitioner/plaintiff's side has not adduced any arguments and when the case was posted for the respondents/defendants' side arguments, the above application came to be filed.



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4. The learned trial Judge, by observing that though the revision petitioner/plaintiff has alleged that he wanted to examine a witness, he has not given any particulars about the witness sought to be examined and the purpose for which the witness is to be examined and that the above application has been filed only to protract the proceedings, has rightly dismissed the application.

5. Considering the entire facts and circumstances and also the fact that the suit is pending from 2012 onwards and the way in which the proceedings are being dragged on by the revision petitioner, the impugned order dismissing the application, cannot be found fault with. Hence, this Court concludes that the revision is devoid of merit and the same is liable to be dismissed.

6. In the result, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

23.11.2023

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



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K.MURALI SHANKAR,J.

csn

To

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

Order made in
C.R.P.(MD)No.3060 of 2023
and
C.M.P.(MD)No.15790 of 2023

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