



C.R.P.(MD)No.3133 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3133 of 2023
and
C.M.P.(MD)No.16115 of 2023

Vasantha

... Petitioner/
Petitioner/
Plaintiff

Vs.

1. A.Vinayagam

M.Ramadoss (died)

2. The Sub Registrar,
Thanjavur.

3. The Sub Registrar,
Karunthattanguid (Karanthai)
Thanjavur Town,
Thanjavur District.

4. The District Collector,
Collectorate, Trichy Road,
Thanjavur Town,
Thanjavur District.

5. R.Chithra



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6. Sai

7. Bama

... Respondents/
Respondents/
Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records in I.A.No.154 of 2023 in O.S.No.296 of 2009 dated 17.07.2023 on the file of the learned Additional District Munsif Court, Thanjavur, and set aside the same, allow the revision petition.

For Petitioner : Mr.P.Vadivel

For R2 to R4 : Mr.A.Baskaran,
Additional Government Pleader

ORDER

The Civil Revision Petition is directed against the order passed in I.A.No.154 of 2023 in O.S.No.296 of 2009 dated 17.07.2023, on the file of the Additional District Munsif Court, Thanjavur, dismissing the application filed under Order 6 Rule 17 C.P.C.

For the sake of convenience and brevity, the parties hereinafter will be referred to as per their ranking/status before the trial Court.



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2. The plaintiff has filed the suit in O.S.No.296 of 2009 to declare that the alleged power deed dated 13.07.2005 executed by the plaintiff's husband is null and void and to declare that the alleged sale deed dated 08.08.2005 executed in favour of the second defendant by the first defendant through the power of attorney dated 13.07.2005 is also null and void and for permanent injunction restraining the defendants 6 to 8 from in any manner interfering with the peaceful possession and enjoyment of the suit property and also for mandatory injunction directing the third defendant to cancel the sale deed dated 08.08.2005. The defendants have filed their written statement and after the framing of issues, the trial was commenced on 03.01.2020.

3. It is seen from the records that after the arguments advanced by the defendants' side, the plaintiff has filed an application to reopen the case and the same was allowed and that since P.W.2 has not turned up, the evidence was closed and again when the case was posted for arguments, the plaintiff has again filed another application to reopen the case and the same was ordered to be dismissed and that when the case was posted for arguments, at the request of the plaintiff, the case was adjourned again and



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again for 14 times and lastly, when the case was posted on 07.02.2023, the above application came to be filed.

4. The plaintiff through the amendment has sought to include the prayer for declaration that the plaintiff is entitled to the suit property and consequential relief of permanent injunction. In the affidavit filed in support of the amendment application, the plaintiff has stated that she was advised for abundant caution to seek a declaration of title, in view of the attitude of the respondents and except the above vague and bald allegation, the plaintiff has not canvassed any other reason or ground to amend the plaint so as to include the relief claimed.

5. The learned trial Judge, by rightly invoking the provision of Order 6 Rule 17 C.P.C., has observed that the plaintiff has only been attempting to protract the proceedings, dismissed the application.

6. It is not the case of the plaintiff that they came to know about the power deed and sale deed recently. Moreover, the present suit came to be filed only to challenge the said documents.



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7. Considering the entire facts and circumstances, the impugned order dismissing the application cannot be found fault with.

8. Accordingly, this Civil Revision Petition is dismissed. However, since the suit is pending from 2009 onwards, the learned trial Judge is hereby directed to complete the trial in O.S.No.296 of 2009 and dispose of the same within a period of two months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.
No costs.

30.11.2023

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

To

1. The Additional District Munsif Court,
Thanjavur.
- 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)No.3133 of 2023
and
C.M.P.(MD)No.16115 of 2023

Dated : 30.11.2023