



CRP Nos.176 and 181 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2024

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

**CRP Nos.176 and 181 of 2024 and**  
**CMP No.857 of 2024**

S.Prema

.. Petitioner in  
both CRPs

Vs.

1. P.Murugapillai
2. M.Vijayalakshmi
3. .Karthik
4. M.Dharani

...Respondents  
in both CRPs.

**PRAYER in CRP Nos.176 and 181 of 2024:** Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the and fair decreetal order dated 20.11.2023 made in I.A.No.5 and 6 2023 in O.S.No.41/2018 passed by the District Munsif, Paramathy.

**In both civil revision petitions**

For Petitioner

: Mr.T.L.Thirumalaisamy



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## **ORDER**

These Civil Revision Petition have been filed to set aside the and fair decreetal order dated 20.11.2023 made in I.A.No.5 and 6 of 2023 in O.S.No.41/2018 passed by the learned District Munsif, Paramathy.

2. The petitioner herein is the plaintiff and the respondents herein are the defendants in O.S.No.41/2018. The above said suit was filed for permanent injunction restraining the defendants not to disturb the plaintiff's peaceful possession and enjoyment of the suit schedule property. After recording evidence on both side, the suit was posted for arguments and at that time, the defendants had filed petitions in I.A.No.5 & 6 /2023 to reopen the case and recall the PW1 for further cross examination of PW1 with regard to some important documents and aspects. The above petitions were allowed and challenging the same, the civil revision petitions have been filed.

3. Heard the learned counsel for the petitioner and I have perused the materials on record.

4. Admittedly, the petitioner herein is the plaintiff and the respondents



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herein are the defendants in the suit in O.S.No.41/2018 and the above suit was filed for permanent injunction, as stated supra. When the case was posted for the arguments, the respondents/defendants filed the above said petitions to reopen the case and to recall PW1. According to the petitioner, when the above petitions were filed, the respondents have not stated anything about the purpose for reopen and recall the pw1. Without assigning any proper reason, the above petitions were filed, however, the trial Judge has not appreciated the above aspects in proper perspective and allowed the petitions. Hence the impugned orders are liable to be set aside.

5. In the petitions to reopen and recall, the respondents/defendants have stated that some important aspects and documents were omitted to be asked through PW1. On perusal of plaint, it reveals that the petitioner has sought for a relief of permanent injunction, claiming that she is the owner of the property. In the written statement, the defendants have stated that the plaintiff herself had created the sale deed, without any consideration. In such circumstances, the learned trial Judge has satisfied with the reasons



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assigned in the affidavit filed along with the petitions. Apart from that, in order to adjudicate the matter properly with regard to the right of the parties in the suit property, the learned Judge has given opportunity to the respondents by allowing the petitions. Hence, I find no infirmity in the orders passed by the learned trial Judge to interfere over the same and the civil revision petition is liable to be dismissed.

6. Accordingly, the civil revision petitions are dismissed and the impugned orders passed by the learned Trial Judge are confirmed. No costs. Consequently, connected miscellaneous petition is closed.

**13.02.2024**

Index: Yes/No  
Internet: Yes/No  
mst

To

1. The District Munsif, Paramathy.



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**V.SIVAGNANAM, J.,**

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**13.02.2024**

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