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C.R.P.(PD).Nos.1234 and 1235 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).Nos.1234 and 1235 of 2024

and CMP.No.6515 of 2024

V.Munisamy

... Petitioner (in both

CRPs)

VS

Kavitha
CRPs)

... Respondent (in both

Common Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 22.12.2023 made in I.A.Nos.5 and 6 of 2023 in O.S.No.200 of 2012 on the file of the Principal Subordinate Court, Dharmapuri and allow the above Civil Revision Petition.

For Petitioner : Mr.R.Bharath Kumar

(in both CRPs)



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COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed by the trial Court dismissing the applications filed by the petitioner to re-open the case and to issue subpoena to one Kali Gounder and examine him as DW.3.

2. The petitioner herein is the second defendant in the suit. The trial in the suit has already been over and the matter is posted for arguments on 02.12.2022. Thereafter, the petitioner herein filed an application for examining Kali Gounder, Murugan, Sekar as witnesses. The said application was dismissed by the trial Court on 27.01.2023, subsequently, the petitioner again filed an application in I.A.No.3 of 2023 for the very same relief with the same averments. The same was dismissed by the trial Court on 11.10.2023. Now, for the 3rd time, the petitioner has filed these applications to examine Kali Gounder as a witness.



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3. When the earlier two applications filed by the petitioner to examine Kali Gounder were dismissed by the trial Court, it is not open to the petitioner to file a third application for the very same relief. The orders dismissing the earlier applications have become final and hence, the petitioner is not entitled to file another application for the very same relief and the trial Court rightly dismissed the same.

4. I do not find any error in the order passed by the trial Court, accordingly, these Civil Revision Petitions stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
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To

The Principal Subordinate Court,
Dharmapuri.

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S.SOUNTHAR, J.

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