



C.R.P.No.956 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM

THE HONOURABLE Mrs. JUSTICE R.KALAIMATHI

C.R.P.No.956 of 2023

and C.M.P.No.7117 of 2023

Elumalai

...Petitioner

vs.

1. Mohan

2. Babu

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 19.07.2019 in I.A.No.568 of 2019 in O.S.No.642 of 2011 on the file of the Additional District Munsif, Alandur and consequently allow the I.A.No.568 of 2019.

For Petitioner : Mr.Sharath Kumar

for Mr.K.Sivakumar

For Respondents : Mr.Shabbir Ahmed

for Mr.N.Nithianandam

ORDER

This Civil Revision Petition has been filed to set aside the order dated 19.07.2019 passed in I.A.No.568 of 2019 in O.S.No.642 of 2011 on the file of the Additional District Munsif, Alandur.



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2. The suit has been filed before the said Court by the present revision petitioner for the relief of permanent injunction not to interfere with his peaceful possession and enjoyment of the suit property. As per the plaint averments, the suit property is a grama natham site.

3. Heard Mr.Sharath Kumar, learned representing counsel for the petitioner and Mr.Shabbir Ahmed, learned representing counsel for the respondents.

4. The suit is filed in the year 2011. When the suit was posted for arguments, the plaintiff filed a petition under Section 151 of Civil Procedure Code, 1908 before the Trial Court for an order to reopen the case for the purpose of further examination of other witness.

5. Mr.Sharath Kumar, learned counsel for the petitioner would submit that, in order to examine plaintiff's son, this revision petition was filed.

6. At the stage of arguments, this petition was sought to be filed. On a careful perusal of the affidavit filed in I.A.No.568 of 2019, nothing is mentioned in the affidavit either about the details of the witness or about



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the document details.

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7. It is pertinent to note that the suit was filed in the year 2011, the Trial Court has rightly observed that, at the stage of arguments without mentioning details about the witness to be examined, the said petition has been filed and chose to dismiss the petition.

8. Considering the fact that the suit was filed in the year 2011, even in the year 2019, when the matter was posted for arguments, an application was moved by the plaintiff bereft of material particulars. Therefore, I find no perversity or infirmity in the orders passed by the Trial Court. In the result, this Civil Revision Petition stands dismissed with a direction to dispose the case preferably within a period of three months from the date of receipt of a copy of this order. There is no order as to costs. Consequently, connected Civil Miscellaneous Petition stands closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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R.KALAIMATHI, J.
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The Additional District Munsif Court, Alandur

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and C.M.P.No.10170 of 2023

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