



C.R.P.PD.No.1957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.R.P.(PD).No.1957 of 2023

Dhandapani

... Petitioner / Plaintiff

Vs.

Munusamy (Died)

1.Raji

2.Sundararaj

3.Rajendiran

... Respondents / Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and Decretal Order dated 23.11.2022 passed in I.A.No.245(A) of 2021 in O.S.No.161 of 2013 on the file of the Principal District Munsif, Villupuram.

For Petitioner : Mr.N.Suresh

For Respondents : No Appearance

ORDER

The sole plaintiff herein has preferred this Civil Revision Petition against the order dated 23.11.2022 made in I.A.No.245(A) of 2021 in O.S.No.161 of 2013 on the file of the Principal District Munsif, Villupuram.

2. Heard Mr.N.Suresh, learned counsel appearing for the



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petitioner. There is no representation for the respondents.

3. The trial Court has dismissed the suit for non-prosecution, by observing that when the suit is posted for trial, the plaintiff who was examined in chief as PW1, did not appear before Court for cross examining him nearly for 5 years and ultimately on 17.02.2019, suit was dismissed and it has been further observed by the trial Court that the reason for the delay are not acceptable and hence, the trial Court dismissed the application. Aggrieved, the plaintiff has preferred this Civil Revision Petition.

4. On the respondents/Defendants' side before the trial Court, an endorsement was made to allow the application on terms. But, the trial Court has dismissed the application.

5. Petitioner is the plaintiff in the suit. Suit was filed for the relief of permanent injunction, not to evict him except by due process of law.

6. On perusal of records, it appears that suit was posted in the special list for trial on 21.01.2017. Once for non-prosecution, the suit



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was dismissed for default, and upon application by the plaintiff, suit was restored to file on 02.08.2017. Thereafter, again on 17.04.2018, when the suit was posted for cross-examination of PW1, due to his absence, suit was again dismissed for non-prosecution. Thereafter, upon application by the plaintiff, in I.A.No.498 of 2018, suit was restored to file on 02.11.2018 for the second time. Thereafter, on several hearings when the matter was posted for cross-examination of PW1, only at the instance of the plaintiff it was adjourned on several times. In short, about for nearly 5 months, the case was pending for cross-examination of PW1. Finally, on 17.02.2019, the suit was dismissed for non-prosecution. The petitioner has stated that as he was busy in the marriage of his daughter and he was not well, the delay occurred. The trial Court was very benevolent in granting so many adjournments for the plaintiff still he did not utilise the opportunity and the reasons assigned can never be taken as bonafide reasons.

7. In such a view of the matter, I do not find any infirmity or perversity in the impugned order of the trial Court.

8. Accordingly, this Civil Revision Petition stands dismissed. There



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is no order as to costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

Index:Yes/No
Speaking / Non-Speaking Order
Neutral Citation Case:Yes / No
ssn

To
The Principal District Munsif,
Villupuram.



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R.KALAIMATHI, J.,

ssn

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