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C.R.P.(PD).No.1992 of 2020
and C.R.P.(PD).No.1427 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(PD).No.1992 of 2020
and C.R.P.(PD).No.1427 of 2018
and C.M.P.No.12364 of 2020

C.R.P.(PD).No.1992 of 2020:

Mani

... Petitioner

VS

1.Ravi

2.Jayalakshmi

3.Rajendiran

4.Selvamoorthy

5.Chandra

6.Devendiran

... Respondents

Prayer in C.R.P.(PD).No.1992 of 2020: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated



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20.08.2020 made in I.A.No.227 of 2020 in O.S.No.436 of 2001 on the file of the learned Additional District Munsif's Court, Vellore by consequently allowing the above Civil Revision Petition.

For Petitioner : Mr.R.Vasudevan
For R1 : Mr.A.Gowthaman
For R2 and R3 : Refused
For R4 : No Appearance
For R5 and R6 : Insufficient Address

C.R.P.(PD).No.1427 of 2018:

Mani ... Petitioner

vs

1.Jayalakshmi

2.Rajendiran

3.Ravi

4.Selvamurthy

5.Chandra

6.Devendiran ... Respondents



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and C.R.P.(PD).No.1427 of 2018

Prayer in C.R.P.(PD).No.1427 of 2018: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the decreetal order and fair order made by the Additional District Munsif, Vellore in I.A.No.1186 of 2017 in O.S.No.612 of 2002 dated 01.02.2018.

For Petitioner : Mr.T.Saravanan
For R1 : Mr.P.Ganapathy
For R3 : Mr.A.Gowthaman
For R2 : No Appearance
For R5 and R6 : Insufficient Address

COMMON ORDER

The Civil Revision Petition in C.R.P.(PD).No.1992 of 2020 is filed challenging the order passed by the Court below dismissing the petition filed by the revision petitioner/5th defendant to reopen the case to enable him to examine the 6th defendant, who remained *exparte*, as his witness.

2. The Court below after taking into consideration that the trial in the suit was commenced as early as 29.10.2013 and after long time, when the



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matter was posted for arguments on 01.11.2019, the petitioner has come up with this application to reopen the case, dismissed the said petition.

3. It is also referred to in the impugned order that earlier the petitioner herein filed an application in I.A.No.1186 of 2017, in connected suit filed by him in O.S.No.612 of 2002, to implead the defendants 5 and 6 in that suit as a party and the same was dismissed by the Trial Court on 01.12.2018. It is also seen that challenging the said order, the petitioner herein preferred a revision in C.R.P.(PD).No.1427 of 2018 and the same was dismissed for default on 14.06.2018. Thereafter, the petitioner preferred a restoration petition in C.M.P.No.13085 of 2018 and the same was ordered and the said civil revision petition was restored to the file on 29.11.2018.

4. Subsequently, the said civil revision petition again dismissed by this Court for non-payment of batta to contesting respondent therein (respondents 5 and 6 on 10.02.2023). Therefore, it is seen from the records that in the connected C.R.P.(PD).No.1992 of 2020, the petitioner has not been diligent enough in proceeding with the impleading application. The sequence of events



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establish the present petition filed by petitioner is not a bonafide one and the same appear to be an attempt to drag on the proceedings. In the affidavit filed in support of petition to reopen the case, the petitioner has not given any reason for his failure to examine 6th defendant earlier. In these circumstances, taking into consideration the conduct of the petitioner and also the fact that both the suits are 20 years old, this Court is not inclined to interfere with the order passed by the Court below dismissing the application filed by the petitioner. Accordingly, the civil revision petition in C.R.P.(PD).No.1992 of 2020 stands dismissed.

5. The Civil Revision Petition in C.R.P.(PD).No.1427 of 2018 is filed against the order passed by the Court below dismissing the impleading application filed by the revision petitioner.

6. The revision petitioner wants to implead the respondents 5 and 6 herein as a party defendants in the suit. However, the civil revision petition was dismissed against the respondents 5 and 6 as early as 10.02.2023. When civil revision petition is already dismissed as against the proposed parties, no



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purpose would be served by keeping it pending against the other respondents.

Therefore, the civil revision petition in C.R.P.(PD).No.1427 of 2018 is also dismissed. No Costs. Consequently, the connected civil miscellaneous petition is closed.

10.01.2024

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



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To

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The Additional District Munsif Court,
Vellore.



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S.SOUNTHAR, J.

dm

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