



C.R.P.D.No.3116 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

C.R.P.D.No.3116 of 2023

and

C.M.P.No.19289 of 2023

P.Murugan

... Petitioner/Plaintiff

Vs.

V.Suresh

... Respondent/Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and final order passed in I.A.No.02 of 2022 in O.S.No.354 of 2017 dated 27.01.2023 on the file of the Subordinate Judge, Udumalpet.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.D.R.Arunkumar

ORDER

This Civil Revision Petition is filed against the order passed in I.A.No.2 of 2022 in O.S.No.354 of 2017 on the file of the Subordinate Judge, Udumalpet.

2. Heard Mr.N.Umapathi, learned counsel appearing for the petitioner and Mr.D.R.Arunkumar, learned counsel appearing for the



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respondent.

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3. I.A.No.2 of 2022 was filed under Section 151 of CPC by the plaintiff Tr.P.Murugan for the purpose of marking the revenue document, namely Patta at the stage of reply arguments.

4. The trial Court chose to dismiss the petition (filed under Section 151 of CPC to reopen the case) by observing that the petitioner did not utilise the chances given to him at the stage of reply arguments, only in order to protract the proceedings this petition was filed and to chose to dismiss the petition.

5. Suit was filed by Tr.Murugan, the petitioner herein for the relief of declaration of title and for permanent injunction not to disturb his peaceful possession and enjoyment of the suit properties and to declare that the alleged Sale Deed dated 16.11.2012 is not valid and binding upon the plaintiff and in the alternate to divide the suit properties into two equal shares by metes and bounds and to allot one such to the plaintiff.

6. It could be observed that during trial, the plaintiff having marked



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the Patta in respect of suit property and he has stated in his affidavit that he has to produce Natham Patta Register. When the same document is marked during trial, no useful purpose will be served again by producing Natham Patta Register.

7. The trial Court has also rightly observed when he was given opportunity the petitioner has not taken any steps. The case was posted for reply arguments: Patta was also marked by the petitioner and in order to protract the proceedings, this petition is filed.

8. In such a view of the matter, at the stage of reply arguments, the present petitioner who is plaintiff in the suit having marked Patta in respect of the suit property wanted to reopen the case that to, at the stage of reply arguments again to produce Natham Patta Register, which would never serve any useful purpose for the plaintiff's case.

9. In view of the same, I am of the considered view that the trial Court has rightly dismissed the petition which was filed by the plaintiff in order to reopen the case.



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10. With these observations, this Civil Revision Petition stands dismissed. Consequently, connected Civil Miscellaneous Petition is also closed. There is no order as to costs.

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Index : Yes / No

Neutral Citation Case : Yes / No

Speaking Order / Non-Speaking Order

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To

The Subordinate Judge,
Udumalpet.

R.KALAIMATHI, J.,

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