



CRP No.504 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

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P.Sornathal

... Petitioner

Vs.

Subbathal (died)

1.P.Poovathal

Santhamani (died)

2.K.Palanisamy

3.K.Selvaraj

G.Sivaraju (Died)

4.G.Sasikumar

5.S.Maheswari

6.Minor S.Bharath Pranao

7.Minor S. Tanrun Pranao

Rasappa Gounder (died)

8.V.Sarawathi

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9.V.Selvakumar

10.M.Palanathal @ Palaniammal

11.R.Kamalathal

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 09.11.2023 made in I.A.No.640 of 2023 in O.S.No.110 of 1997 on the file of the Additional District Munsif Court, Tiruppur and to stay further proceedings of the above suit in any manner till the disposal of this Civil Revision Petition on merits.

For Petitioner : Mr.S.Nagarajan

For R8 & R9 : Mr.R.Sivaprakasam

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 09.11.2023 made in I.A.No.640 of 2023 in O.S.No.110 of 1997 on the file of the Additional District Munsif Court, Tiruppur.

2. The revision petitioner is the 4th defendant in O.S.No.110 of 1997 on the file of the Additional District Munsif, Tiruppur. The learned counsel for the petitioner contended that the respondent filed a suit against the



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petitioner and other defendants for partition claim in the suit schedule property. The petitioner/4th defendant, after examination, has filed an Interlocutory Application in I.A.No.640 of 2023 to reopen the case for adducing evidence on the side of the defendants 2 to 4 and the same was dismissed by passing the impugned order. Hence it is challenged.

3. The learned counsel for the petitioner further contended that a chance may be given to the petitioner to let her evidence. If the defendants 2 to 4 evidence not reopened, the petitioner will be put to irreparable loss and inquiry.

4. The learned counsel for the respondent submitted that the suit is filed in the year 1997. The revision petitioner colluding with other defendants 2 & 3, one way or other, they are prolonging and protracting the case. As on date, the case is not disposed. The case is pending for arguments after examination of witnesses. Under this circumstances, this petition to reopen and permit to let evidence is frivolous and no merit. Hence, seeking



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for dismissal.

5. On a perusal of the materials and other records, the revision petitioner is the 4th defendant in the Suit in O.S.No.110 of 1997, on the file of the Additional District Munsif Court, Tiruppur. The 1st respondent/plaintiff has filed suit for partition and the case is pending from 1997 and this petitioner filed an application to reopen and to permit her to let evidence and to mark documents.

6. On a perusal of the affidavit, it is noticed in paragraph 2, the petitioner simply stated that she has valid evidence of her side and wants to reopen her evidence. However, the petitioner has not filed any written statement in the suit and not raised specific defence in the said suit.

7. Under this circumstances, filing this petition to reopen and want to let oral and documentary evidence on her side is unsustainable. The trial Court has rightly dismissed the application. Therefore, I find no ground for interference and no merit in the revision petition. Hence, this Civil



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Revision Petition is dismissed. The trial Court is directed to complete the trial and pass orders in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs.

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Index: Yes/No
Internet: Yes/No
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To

The Additional District Munsif Court, Tiruppur



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V.SIVAGNANAM, J.

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