



C.R.P.(PD)(MD) No.884 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.(PD)(MD) No.884 of 2020

and

C.M.P.(MD) No.5832 of 2020

Pandeeswari

... Petitioner/Petitioner/
Plaintiff

Vs.

1.Perumal

2.Krishnamoorthi

3.Amaravathi alias Parameshwari

4.Vellaichamy Gounder

5.R.Jegan Mohan

... Respondents/Respondents/
Defendants

[Notice is not necessary for
Respondents No.1 and 4 since they
remained ex-parte in the court below]

Prayer: Petition filed under Article 227 of the Constitution of India to set
aside the order dated 18.02.2020 passed in I.A.No.142 of 2019 in O.S.No.205



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of 2019 on the file of the Court of the District Munsif cum Judicial Magistrate, Athoor.

For Petitioner	:	Mr.Mohamed Suhail for M/s.Ajmal Associates
For R2	:	Mr.D.Srinivasa Raghavan
For R5	:	Mr.P.Ganapathi Subramanian
For R3	:	No appearance
RR1 & 4	:	<i>Ex-parte vide</i> EB

ORDER

This civil revision petition is directed against an order dated 18.02.2020 in I.A.No.142 of 2019 in O.S.No.205 of 2019 passed by the learned District Munsif cum Judicial Magistrate, Athoor dismissing the application seeking to reopen the plaintiff's side evidence in O.S.No.205 of 2019 on the ground that the said application was filed belatedly.

2. It is contended by the learned counsel for the petitioner that the defendants filed an additional written statement along with I.A.No.2240 of



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2018 seeking permission to receive the said additional written statement and the said application was allowed by the learned trial Court by an order dated 08.03.2019 and accordingly, an additional issue was also framed on the very same day. Thereafter, the petitioner filed I.A.No.142 of 2019 seeking permission of the learned trial Court to reopen the plaintiff's side evidence for the purpose of impleading certain new parties as defendants to the suit consequent upon the additional written statement filed by the defendants. The said application was stated to have been filed on 18.03.2019, i.e., 10 days from the date of framing of the additional issue by the learned trial Court. However, for the reasons best known, the learned trial Court has been pleased to observe that the said application was filed belatedly. When the said application was filed on the very next date of hearing of the case after framing of the issue, the question of treating the said application as the one filed belatedly is absurd. The said observation and finding recorded by the learned trial Court are absolutely without application of mind. It is also not disputed by the learned counsel for the respondents about the filing of the said application in I.A.No.142 of 2019 within a period of 10 days from the date of framing of the additional issue.



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3. In the light of the above, the premise on which the order under revision was passed by the learned trial Court is found to be totally false. In the circumstances, the order under revision is set aside. Consequently, I.A.No.142 of 2019 is allowed reopening the plaintiff's side evidence. The learned trial Court is directed to dispose of the suit as expeditiously as possible, at any rate, on or before 31.08.2024.

4. This Civil Revision Petition is allowed to the extent indicated above. No costs. consequently, connected miscellaneous petition is closed.

20.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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To

The District Munsif cum Judicial Magistrate,
Athoor.



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MUMMINENI SUDHEER KUMAR, J.

ABR

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