



C.R.P(MD)Nos.1674 and 1675 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P(MD)Nos.1674 and 1675 of 2024

and

C.M.P(MD).No.9794 of 2024

Arumugam(died)

1.Utchimakali Sangeetha

2.Revathi

3.Arun

... Petitioners

Vs.

Murugan

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.Nos.7 and 8 of 2024 in O.S.No.149 of 2020 dated 05.04.2024 on the file of the II Additional District Munsif Court, Tirunelveli.

For Petitioners

: Mr.T.Selvan

COMMON ORDER

These civil revision petitions arise out of the order dated 05.04.2024 made in I.A.No.7 of 2024 and I.A.No.8 of 2024 in O.S.No.149 of 2020.



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2. By the said order, the applications to reopen the plaintiff's side evidence and permit the petitioners to examine further witnesses on the plaintiff's side were dismissed by the trial Court.

3. The learned counsel appearing on behalf of the petitioners submits that one more opportunity shall be granted to the plaintiff to examine such further witnesses.

4. Upon perusal of the plaint, it is the case of the plaintiff that the plaintiff is the owner of the property by virtue of the settlement deed executed in his favour. The defendant by a written statement simply denies the title of the plaintiff and has stated that the plaintiff is not the only owner of the suit property.

5. In view thereof, the plaintiff has to examine himself and mark the settlement deed and give such evidence as may be necessary, which according to the learned counsel for the petitioners, already the plaintiff has been examined and the settlement deed has also been marked.



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6. In that view thereof, no reasons whatsoever has been mentioned as to whom the plaintiff wants to examine further and for what purpose, the plaintiff's side evidence has to be reopened. Even in the affidavit filed in support of the civil revision petitions, it is not mentioned as to which of the witnesses, the plaintiff wants to examine. Therefore, even assuming that one opportunity has to be granted to the plaintiff, when the plaintiff itself is not clear as to whom he wants to examine till date, even during moving of the civil revision petitions, especially when no specific names of the witnesses were mentioned in the affidavit filed in support of the applications, I do not see any error in the order of the trial Court. Accordingly, finding no merits, these Civil Revision Petitions stand dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

29.07.2024

NCC:Yes/No
Index:Yes/No
Rmk

To

1. II Additional District Munsif Court, Tirunelveli.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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