



C.R.P.(MD)Nos.2059 and 2060 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.2059 and 2060 of 2024

and

C.M.P.(MD)No.11721 of 2024

C.R.P.(MD)No.2059 of 2024:

Dhanalakshmi

... Petitioner / Petitioner / 1st Defendant

Vs.

1.Suruliammal

2.Dhanalakshmi

3.Ponnambalam

4.Subramani

5.Gunasekaran

... Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 20-06-2024 in I.A.No.14 of 2023 in O.S.No.113 of 2011 on the file of the learned District Munsif, Andipatti.

For Petitioner : Mr.S.Pon Senthil Kumaran

Fore Respondents : Mr.Mohamed Ibram Saibu



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Dhanalakshmi

... Petitioner / Petitioner / 1st Defendant

Vs.

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3.Ponnambalam

4.Subramani

5.Gunasekaran

... Respondents / Respondents / Plaintiffs

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 20-06-2024 in I.A.No.15 of 2023 in O.S.No.113 of 2011 on the file of the learned District Munsif, Andipatti.

For Petitioner : Mr.S.Pon Senthil Kumaran

Fore Respondents : Mr.Mohamed Ibram Saibu

* * *

COMMON ORDER

Heard the learned counsel on either side.



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2.The first defendant in the suit is the revision petitioner in both the civil revision petitions. The revision petitioner filed two I.As for re-opening the suit and for recalling of P.W.1 for conducting further cross examination. Both the I.As were dismissed by the Court below vide order dated 20.06.2024. Challenging the same, these civil revision petitions have been filed.

2.The learned counsel for the revision petitioner reiterated all the contentions set out in the memorandum of grounds. He submitted that P.W.1 may be recalled and that the revision petitioner would conclude her cross examination on the same day. It is further undertaken that cross examination will be confined to the dismissal of O.S.No.207 of 2008 on the file of the Sub Court, Theni.

3.The learned counsel for the contesting respondents submitted that the impugned orders are well reasoned and that they do not call for interference.

4.I carefully considered the rival contentions and went through the materials on record. It is relevant to note that O.S.No.113 of 2011 on the file of the District Munsif Court, Andipatti is a suit for redemption of mortgage. The revision petitioner is said to be the purchaser from the mortgagee. The suit



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itself is 13 years old. The plaintiff was cross examined way back in 2019. We are now in August 2024. It is stated that on 01.12.2023 itself, the plaintiffs have concluded their arguments and written arguments have been filed.

5.The Court below rightly came to the conclusion that filing of these I.As is belated. Convincing reasons have been set out in the impugned orders of dismissal. Interference under Article 227 of the Constitution of India is not warranted and the civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

30.08.2024

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

To:

The District Munsif Court,
Andipatti.



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G.R.SWAMINATHAN, J.

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