



C.R.P(MD)No.2647 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.01.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.2647 of 2018

and

C.M.P(MD)N.11579 of 2018

P.Nachimuthu : Petitioner/Petitioner/Plaintiff

Vs.

1.N.Nachimuthu

2.Angammal

3.Achiammal

4.Alagunathan

5.Natraya Deepan : Respondents/Respondents/Defendants

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 12.10.2018 in I.A.No.851 of 2018 in O.S.No.67 of 2013 on the file of the Principal District Munsif Court, Karur.

For Petitioner : Mr.K.Govinarajan

For Respondents : Mr.M.P.Senthil,
for R1, R4 and R5.
: No Appearance, for R2 and R3.



C.R.P(MD)No.2647 of 2018

WEB COPY

ORDER

The Civil Revision Petition is directed against the order passed in in I.A.No.851 of 2018 in O.S.No.67 of 2013, dated 12.10.2018 on the file of the Principal District Munsif Court, Karur, dismissing the petition to reopen the case.

2. It is evident from the records that the revision petitioner has already filed another application in I.A.No.851 of 2018 to recall D.W.1 for further cross examination. The learned District Munsif, after enquiry and taking note of the objections raised by the other side, has dismissed the petition. The revision petitioner has challenged the order of dismissal passed in I.A.No.850 of 2018, which was filed to reopen the case, but not against the order passed in I.A.No.851 of 2018, which was filed to recall D.W.1 for further cross examination.

3. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that subsequently after filing of the above application, D.W.1 was reported dead and hence, they



C.R.P(MD)No.2647 of 2018

have not preferred any revision challenging the order passed in I.A.No.851 of 2018.

4. It is evident from the impugned order that the revision petitioner has sought to reopen the case only for the purpose of recalling D.W.1 and they have not canvassed any other reason for reopening the case. Moreover, the suit is pending from 2013 onwards.

5. Considering the entire facts and circumstances of the case and also taking note of the fact that D.W.1 was reported dead and there was no challenge to the dismissal order passed in I.A.No.851 of 2018, the impugned order dismissing the petition in I.A.No.850 of 2018 cannot be found fault with. Hence, this Court concludes that the Civil Revision is devoid of merits and the same is liable to be dismissed. It is brought to the notice of this Court that the case was subsequently transferred to the Court of Judicial Magistrate, Aravakurichi and renumbered as O.S.No.80 of 2019.

6. In the result, the Civil Revision Petition is dismissed. The learned District Munsif cum Judicial Magistrate, Aravakurichi is hereby directed



C.R.P(MD)No.2647 of 2018

to complete the trial and dispose of the suit in O.S.No.80 of 2019 within a period of two months from the date of receipt of copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

18.01.2024

NCC :yes/No
Index :yes/No
Internet :yes/No
das

To

1. The Principal District Munsif, Karur.
- 2.The District Munsif cum Judicial Magistrate,
Aravakurichi.
- 3.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.R.P(MD)No.2647 of 2018

K.MURALI SHANKAR,J.

das

Order made in
C.R.P.(MD)No.2647 of 2018

Dated : 18.01.2024