



C.R.P(MD)Nos.2438 & 2439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.2438 & 2439 of 2024

and

C.M.P(MD)No.13685 of 2024

C.R.P(MD)No.2438 of 2024:

K.K.Santhanakaruppusamy

... Petitioner/
Petitioner /
4th Defendant

Vs.

1.K.Krishnamoorthy

... 1st Respondent /
1st Respondent /
Plaintiff

2.The President,
C.Pudur Panchayat Board,
C.Pudur, Vadipatti Taluk,
Madurai District.

3.The Block Development Officer,
Block Development Office,
Vadipatti Panchayat Union,
Vadipatti,
Madurai District.



C.R.P(MD)Nos.2438 & 2439 of 2024

4.The District Collector,
Collectorate,
Madurai District,
Madurai.

... Respondents 2 to 4 /
Respondents 2 to 4 /
Defendants 1 to 3

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 29.08.2024 made in I.A.No.3 of 2023 in O.S.No.21 of 2015 on the file of District Munsif Court, Vadipatti.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.2 to R.4

C.R.P(MD)No.2439 of 2024:

K.K.Santhanakaruppusamy

... Petitioner/
Petitioner /
4th Defendant

Vs.

1.K.Krishnamoorthy

... 1st Respondent /
1st Respondent /
Plaintiff

2.The President,
C.Pudur Panchayat Board,



C.R.P(MD)Nos.2438 & 2439 of 2024

C.Pudur, Vadipatti Taluk,
Madurai District.

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3.The Block Development Officer,
Block Development Office,
Vadipatti Panchayat Union,
Vadipatti,
Madurai District.

4.The District Collector,
Collectorate,
Madurai District,
Madurai.

... Respondents 2 to 4 /
Respondents 2 to 4 /
Defendants 1 to 3

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the Civil Revision Petition by setting aside the order and decree dated 29.08.2024 made in I.A.No.4 of 2023 in O.S.No.21 of 2015 on the file of District Munsif Court, Vadipatti.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.2 to R.4

COMMON ORDER

Heard the learned counsel appearing for the revision petitioner.



C.R.P(MD)Nos.2438 & 2439 of 2024

2.The revision petitioner is the fourth defendant in O.S.No.21 of 2015 on the file of District Munsif Court, Vadipatti. He filed I.A.No.3 of 2023 for recall of PW.1 and PW.2 for doing further cross examination and reopening their side, he filed I.A No.4 of 2023. The said IAs were dismissed vide order dated 29.08.2024. Questioning the same, these Civil Revision Petitions came to be filed.

3.The learned counsel for the revision petitioner reiterated all the contentions setout in the memorandum of grounds of Civil Revision Petitions and called upon this Court to set aside the impugned orders and grant relief as prayed for.

4.I am not swayed by the said submissions. It is seen that the suit was filed way back in the year 2015. The suit is pending for evidence of defendants. At this stage, these IAs have been filed. The Court below has noted that PW.1 and PW.2 were cross examined at length by the fourth defendant. When the defendant had full opportunity and he has also availed the said opportunity by cross examining the said witnesses, grant of one more opportunity does not appear to be in order. The Court



C.R.P(MD)Nos.2438 & 2439 of 2024

below has exercised its discretion and held that recall of PW.1 and PW.2 and reopen is not necessary. In exercise of jurisdiction under Article 227 of the Constitution of India, no sufficient ground has been made out for interference.

5.These Civil Revision Petitions stand dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

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

To

- 1.The District Munsif Court,
Vadipatti.
- 2.The Block Development Officer,
Block Development Office,
Vadipatti Panchayat Union,
Vadipatti, Madurai District.
- 3.The District Collector,
Collectorate, Madurai District,
Madurai.



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C.R.P(MD)Nos.2438 & 2439 of 2024

G.R.SWAMINATHAN, J.

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