



C.R.P.Nos.650 & 651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.Nos.650 & 651 of 2025
C.M.P.Nos.3727 & 3728 of 2025

In Both C.R.P.'s:-

Kumudha

...Petitioner

Vs

1.Thangaraji

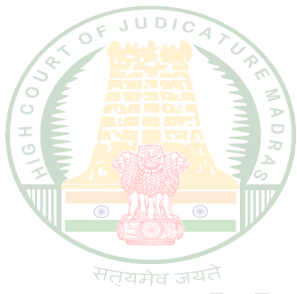
2.Sankar

3.Muruganantham

...Respondents

PRAYER in C.R.P.No.650 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the fair and decreetal order dated 31-01-2025 passed in IA.No.2 of 2024 in O.S.No.51 of 2021 on the file of the Principal District Munsif at Tirupattur and allow this Civil Revision Petition.

PRAYER in C.R.P.No.651 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the fair and decreetal order dated 31-01-2025 passed in IA.No.1 of 2024 in O.S.No.51 of 2021 on the file of the Principal District Munsif at Tirupattur and allow this Civil Revision Petition.



C.R.P.Nos.650 & 651 of 2025

WEB COPY

In Both C.R.P.'s:-

For Petitioner : Mr.D.Bennington

COMMON ORDER

The plaintiff in the suit O.S.No.51 of 2021 on the file of the Principal District Munsif, Tirupathur, is the revision petitioner before this Court.

2.The plaintiff had filed the above mentioned suit for a declaration that the plaintiff is entitled to use the suit pathway as an easement of necessity and to restrain the defendants from interfering with the possession and usage of the same by the plaintiff.

3.The respondent/defendant had filed a written statement in which he would submit that the plaintiff is not entitled to any easement over this pathway as there is an alternate pathway to reach the plaintiff's property from Chinnamulkanoor road. When the suit was posted for judgment, the petitioner has come forward to file I.A.No.1 of 2024 to examine the VAO, Pachal Village and the Surveyor, Tirupattur as the petitioner witnesses and I.A.No.2 of 2024 to reopen the case. The



plaintiff would contend that he has to prove to the Court that but for the suit pathway there is no other access to the property. To prove this there was a necessity to examine the aforesaid person and for which purpose the case had to be reopened.

4.The defendants had filed counter in which it was stated that the field map which to the suit property has already been marked as Exhibit by P.W.1 and that apart the parties had been examined in full and the matter was posted for judgment at which point in time such applications had been filed which is nothing but a dilatory tactics. Therefore, the same should be rejected.

5.The learned Principal District Munsif at Tirupattur after hearing the parties dismissed their applications stating that at the time of judgment such applications are not maintainable, particularly when sufficient opportunity had been given to the parties to adduce documentary as well as oral evidence and after arguments judgment had been reserved. Aggrieved by the above order, the petitioner has come forward with the above referred Civil Revision Petitions.



C.R.P.Nos.650 & 651 of 2025

6. Heard the learned counsel appearing on behalf of petitioner and

perused the records.

7. The perusal of the records would show that on 15.04.2024, the plaintiff's side evidence was closed and posted for defendant's side evidence. No evidence was let in by the defendant and therefore it was closed on 07.08.2024 and the matter was adjourned for arguments on both sides. Since, no steps have been taken for arguments, judgment was reserved. The suit itself is to claim an easementary right over the suit pathway as an easement of necessity. Therefore, the plaintiff ought to have been vigilant enough to produce all the documents required to substantiate his case of an easementary right. That apart it is also seen that Chinnamulkaanoor village ward councillor has been examined on the side of the plaintiff. In these circumstances and taking note of the written statement filed by the defendant wherein the defendant has annexed a sketch of the suit property which shows that the plaintiff already has an existing pathway to reach his property. The plaintiff ought to have taken steps to counter the same while adducing evidence. Therefore, the Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.



C.R.P.Nos.650 & 651 of 2025

20.02.2025

WEB COPY

Index : Yes/No

Internet : Yes/No

Speaking Order/Non Speaking Order
ep

To

The Principal District Munsif at TirupattuR.



WEB COPY



C.R.P.Nos.650 & 651 of 2025

P.T.ASHA, J,

ep

C.R.P.Nos.650 & 651 of 2025
C.M.P.Nos.3727 & 3728 of 2025



WEB COPY



C.R.P.Nos.650 & 651 of 2025

20.02.2025