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C.R.P.No.1961 & 1963 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.Nos. 1961 & 1963 of 2024

&

C.M.P.No. 10377 of 2024

C.R.P.No.1961 of 2024

1.Subramani

2.Desingu

...Petitioners

Vs.

1.Palani

2.Iyappan

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in IA.No.1 of 2023 in OS.No.88 of 2012 dated 19.02.2024 passed by the District Munsif cum Judicial Magistrate, Ranipet.



C.R.P.No.1961 & 1963 of 2024

C.R.P.No.1963 of 2024

WEB COPY

1.Subramani

2.Desingu

...Petitioners

Vs.

1.Palani

2.Iyappan

...Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order in IA.No.2 of 2023 in OS.No.88 of 2012 dated 19.02.2024 passed by the District Munsif cum Judicial Magistrate, Ranipet.

For Petitioner : Mr. B.Sundarapandiyan
(In both petitions)



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C.R.P.No.1961 & 1963 of 2027

ORDER

Challenging the dismissal of the applications to reopen and recall the evidence, the plaintiffs have preferred the above petitions. The facts are herein below set out.

2.The petitioners had filed OS.No.88 of 2012 against the respondents seeking the relief of declaration of their right title and interest to the suit property and for a mandatory injunction directing the defendants to remove the encroachment put up on the suit property and deliver vacant possession of the same.

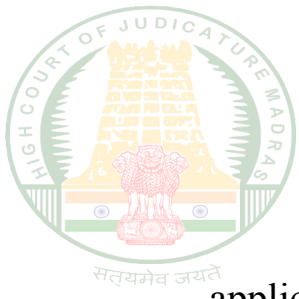
3. The suit property originally belonged to the petitioners' grand father Kumarasamy Achari, who had purchased the same along with other items of property under a registered sale deed dated 03.07.1924 from one Munusamy Naickar. After his demise, his son Kuppachari the petitioners' father inherited the same and after his demise, the petitioners inherited the same.



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4. The respondents are the owners of the adjacent property who have no right to the suit property. However in the month of October 2011, they had trespassed illegally into the the suit property and started putting up construction. The petitioners had immediately approached the surveyor to survey the land who confirmed the encroachment by the respondents. Despite it coming to the knowledge of the respondents, they did not come forward to remove the encroachment constraining the petitioners to file aforesaid suit.

5. After the evidence was taken in the above suit and the matter posted for arguments, the petitioners had traced out certain documents like partition deed, sale deed, encumbrance certificate to prove their case. These are vital documents which has to be filed. Therefore, the petitioners had come forward with IA.Nos. 1 and 2 of 2023 in OS.No.88 of 2012 for reopening and recalling PW1 for the purpose of marking the documents.



C.R.P.No.1961 & 1963 of 2027

6. The learned District Munsif, Ranipet, however, dismissed the applications.

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7. Challenging the same, the petitioners are before this Court.

8. Heard the learned counsel for the petitioners and perused the records.

9. A perusal of the affidavit filed in support of the above applications would clearly show that no reasons whatsoever has been set out for receiving the documents and reopening the evidence. The only statement made is that the documents were traced out. Further, the documents that are sought to be filed does not find a reference in the pleadings. As to when the documents had been traced has not been set out and there is no explanation for the delay.



C.R.P.No.1961 & 1963 of 2024

WEB COPY

10. That apart, as stated by the Trial Court, the petitioners have not even given any information as to the person from whose custody the petitioners have got the documents.

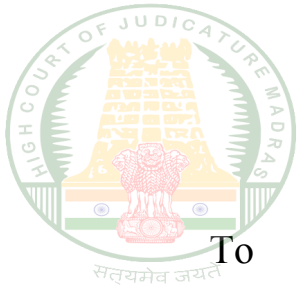
11. That apart, the suit is at the stage of arguments and at this juncture the petitions have come to be filed that too without any reasons.

12. The learned Trial Judge has rightly dismissed the said applications. I see no reason to interfere with the same.

13. The Civil Revision Petitions are dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

03.03.2025

Index : Yes/No
Internet : Yes/No
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C.R.P.No.1961 & 1963 of 2024

To

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The District Munsif cum
Judicial Magistrate,
Ranipet.



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C.R.P.No.1961 & 1963 of 2024

P.T. ASHA, J,

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C.R.P.No.1961 & 1963 of 2024

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