



C.R.P.Nos. 2663 & 2667 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM :

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

C.R.P.Nos. 2663 & 2667 of 2025
and C.M.P.No. 15058 of 2025

Venkatesa Pillai (died)

1.V.Muthukrishnan

2.Durairaj

Damodaran (died)

3.Vijaya @ Kokila

4.Vanitha Shree

.. Petitioners in both CRPs

vs

Moses (died)

1.Shanthi Damodaran

Munusamy Nadar (died)

.. Respondents in both CRPs

Prayer : Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 12.02.2025 in I.A.Nos.1 and 2 of 2024 in O.S.No.106 of 2024 on the file of the District Munsif Cum Judicial Magistrate at Pallavaram.

(In both CRPs)

For Petitioners : Mr.P.Kothandaraman

For Respondents : Ms.C.Harini
for Mr.M.V.Seshachari

COMMON ORDER

The Civil Revision Petitions have been filed challenging the order passed by the Court below dismissing the petitions filed by



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the petitioners / plaintiffs seeking to re-open the case and re-call DW1.

2. The petitioners herein filed a suit for bare injunction. It is not in dispute that the suit was filed in the year 1983 and since the defendants side evidence was closed on 07.3.2017, the suit is posted for arguments. It is also seen from the records that earlier petitioners filed an application in IA No. 295 of 2017 to re-open case and the same was dismissed by the trial Court. Aggrieved by the same, petitioners preferred a revision in CRP No. 295 of 2017 before this Court and the same was also dismissed on 14.03.2024. Thereafter, the suit was transferred to the newly formed District Munsif-cum-Judicial Magistrate, Pallavaram.

3. Taking advantage of the same, the petitioner filed yet another application to re-open the case and recall DW1. In the affidavit filed in support of the petitions to re-open the case and recall DW1, petitioners have not given any specific reasons. The reasons given by them is that they engaged a new counsel and as per the advice tendered by the new counsel, they wanted to put some new question to DW1.



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4. Based on the vague allegations made by petitioners in the affidavit, petition to re-open case and re-call DW1, cannot be ordered, especially in the light of the facts narrated above that, similar application filed by the petitioners was dismissed and confirmed by this Court in the revision. The petitioners have not made out any case for interfering with the order impugned in these petitions.

5. Accordingly, both the Civil Revision Petitions stand dismissed. No costs. Connected miscellaneous petition is closed.

6. Taking into consideration the fact that the prayer in the suit is only for bare injunction and the suit is of the year 1983, which is pending for more than four decades, this Court feels that this is one of exceptional case warranting fixation of outer time limit for disposal. Therefore, the trial Court is directed to dispose of the suit, as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of a copy of this order.

06.11.2025

Index:Yes/No
Neutral Citation:Yes/No
ssm

To



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The District Munsif Cum Judicial Magistrate,
Pallavaram.

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S. SOUNTHAR, J.,

ssm

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