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CRP(PD).No.374 & 376 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.02.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

CRP.(PD).Nos.374 & 376 of 2025

and

CMP.No.2220 & 2225 of 2025

- 1.Ramakrishnan
- 2.Srinivasan
- 3.Rukmani

... Petitioners in both CRPs

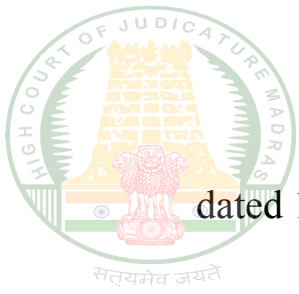
Vs.

- 1.Muthusamy
- 2.Venkatachalapathi
- 3.Kolanjiyammal
- 4.Kolanji
- 5.The District Collector,
Cuddalore District
- 6.The Thasildar,
Tittagudi Taluk
Cuddalore District
- 7.The Village Officer
Melnemili Village, Tittagudi Taluk,
Cuddalore District.

... Respondents in both CRPs

Prayer in CRP.No. 374 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decreetal order passed in IA.No.215 of 2024 in OS.No.14 of 2017 dated 10.09.2024 passed by the learned Subordinate Judge, Tittagudi.

Prayer in CRP.No.376 of 2025:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order and decreetal order passed in IA.No.214 of 2024 in OS.No.14 of 2017



dated 10.09.2024 passed by the learned Subordinate Judge, Tittagudi.

For Petitioner : M/s.K.Karuppaiya Mooppanar

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COMMON ORDER

Challenging the dismissal of their applications ie. (i) I.A.No.215 of 2024 for recalling the plaintiffs' side witness and (ii) I.A.No.214 of 2024 for reopening the plaintiffs' side evidence, the petitioners/plaintiffs have preferred these Civil Revision Petitions.

2. The petitioners/plaintiffs had filed a suit O.S.No.14 of 2017 on the file of the Sub Judge, Tittakudi against the respondents/defendants for declaration and mandatory injunction. The suit had been filed in the year 2014 originally on the file of the Sub Court, Virudhachalam as O.S.No.251 of 2014 which was transferred to the file of the Sub Judge, Tittakudi and re numbered as O.S.No.14 of 2017.

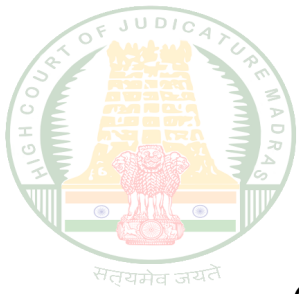
3. During the pendency of the suit, the petitioners/plaintiffs had filed the impugned applications. The petitioners/plaintiffs in the affidavit filed in support of the impugned petitions would contend that certain additional documents had not been marked by the plaintiffs



and for marking these documents, which are vital for the case on hand, the plaintiffs' side evidence has to be reopened and P.W.1 has to be recalled.

4. The respondents/defendants had filed a counter statement in which they would submit that the petitioners/plaintiffs had not given the details of the documents they propose to mark. The reasons for filing the impugned applications at this belated stage were also not acceptable. That apart, unless an application is moved for receiving the additional documents, these applications for reopening and recall are not maintainable.

5. The defendants/respondents would further submit that the petitioners/plaintiffs have not given any particulars about the witnesses they propose to examine after recall. They would further state that the evidence had been closed on 16.02.2024 and the matter has been posted for arguments. At this stage, the present applications filed by the petitioners/plaintiffs are not maintainable and are liable to be dismissed.

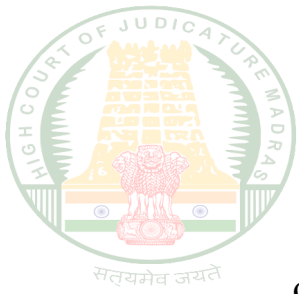


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6. The learned Judge after hearing the arguments and perusing the records had observed that the petitioners/plaintiffs have not mentioned the documents that they propose to mark and the witnesses that they propose to examine. Once the arguments has commenced, reopening of evidence and recalling of witness cannot be permitted. With the above observations, the learned Sub Judge, Tittakudi had proceeded to dismiss the applications. Challenging the same the petitioners are before this Court.

7. Heard the learned counsel for the petitioner and perused the records.

8. A perusal of the documents would clearly indicate that the matter is posted for arguments and it is at this stage that the impugned applications have been moved. The affidavit filed in support of the impugned applications also does not inspire any confidence in this Court as it is rather vague on the facts upon which the petitioners would seek to reopen the evidence and recall the witness.



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9. The learned Subordinate Judge, Tittagudi has rightly pointed out that the impugned applications do not contain the details of the documents nor the details of the witnesses who the plaintiffs propose to examine. Therefore, the relief claimed is only an attempt to protract the proceedings. Therefore, the learned Sub Judge, Tittakudi has rightly dismissed the impugned applications and I see no reason to interfere with the same.

10. Accordingly, the Civil Revision Petitions stand dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

06.02.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Subordinate Judge, Tittagudi.

P.T. ASHA. J.,



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