

C.R.P.(PD)(MD).Nos.451 and 452 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.451 and 452 of 2022
and
C.M.P.(MD)No.1992 of 2022

Palaniyandi Chettiar

... Petitioner in both petitions

Vs.

1.K.Laila
2.S.Sheeba

... Respondents in both petitions

COMMON PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to call for the records relating to the fair and decreetal order dated 07.12.2021 made in I.A.Nos.436 and 437 of 2021 in O.S.No.389 of 2011 on the file of the Principal District Munsif Court, Dindigul and set aside the same.

In both petitions:

For Petitioner : Mr.J.Anandkumar
For Respondent : No Appearance



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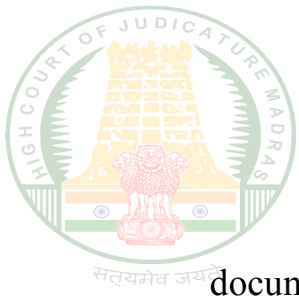
COMMON ORDER

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These Civil Revision Petitions are filed challenging the order dated 07.12.2021 made in I.A.Nos.436 and 437 of 2021 in O.S.No.389 of 2011 on the file of the Principal District Munsif Court, Dindigul.

2.The petitioner is the plaintiff in O.S.No.389 of 2011 on the file of the District Munsif Court, Dindigul. The suit is for permanent injunction as against the respondents/defendants. At the time of argument, the petitioner filed three applications in I.A.Nos.613, 436 and 437 of 2021 for marking of additional documents, recall and reopen the evidence of P.W.1, respectively. The trial Court allowed the application in I.A.No.613 of 2021 for marking of additional eight documents, whereas dismissed the petitions filed to reopen and recall of P.W.1. Challenging the same, the present Revision Petition is filed.

3.The learned counsel for the petitioner would submit that admittedly, the suit was filed in the year 2011 and the cross examination of P.W.1 was completed in the year 2018. Subsequently, the petitioner possessed eight



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documents apart from the documents already marked before the trial Court.

For marking of the said documents through P.W.1, the petitioner filed the above said applications. However, the trial Court without considering all these aspects has dismissed the application for recalling and reopening of the evidence of P.W.1 the same is not sustainable, though allowed the application filed for marking of additional documents. Hence, he prays for appropriate orders.

4.Though notice was served on the respondents and their names are printed in the cause list, there is no appearance on behalf of the respondents either in person or through counsel.

5.The facts in the present case are not in dispute. The plaintiff filed the suit for permanent injunction as against the defendants. In that suit, the petitioner/plaintiff filed applications for marking of documents, recalling and reopening of evidence of P.W.1. The trial Court after considering the context of the case, has allowed the application filed by the petitioner for marking of additional documents. However, on the very same ground, based on which the application for marking of additional documents is allowed, the trial Court



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has dismissed the applications for recalling and reopening of the evidence of P.W.1 and the same is not sustainable. Hence, the order of the trial Court requires interference.

6. Accordingly, the order passed by the trial Court in I.A.Nos.436 and 437 of 2021 are hereby set aside and these Civil Revision Petitions are allowed. The trial Court is directed to fix a date for the appearance of the plaintiff before the trial Court and on the very same day, the defendants shall be allowed to cross examine the plaintiff. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

NCC : Yes/No
Internet : Yes / No
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To

1. The Principal District Munsif Court, Dindigul.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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