



C.R..P.(PD)(MD).No.1017 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.1017 of 2025

and

C.M.P(MD) No.5495 of 2025

1. Ephraim Bleson Noble

2. Arulmathi Yesuvadian

... Petitioners/Petitioners
Defendants 1 and 2

Vs.

1. K.Thanasingh

2. K.Rajasingh

3. Sagunthala

4. K.Rajendran

5. Shanmugaraja Pandian

6. Sumilin

7. Jeyasingh Rathinaraj

8. Jeyasingh

9. Misba

10. Hebsiba

... Respondents/Respondents/
Plaintiffs 1 to 10.

1/6



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12. Esakkimuthu

13. Muthaiah

14. Jegadesan

15. Manohar

... Respondents 11 to 15/
Respondents/
Defendants 3 to 7

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records and set aside the Fair and decreetal order dated 04.11.2024 passed in I.A.No.31 of 2024 in O.S.No.133 of 2015 on the file of the District Munsif Court, Srivaikundam and allow this Civil Revision Petition with costs.

For Petitioners : Mr.V.Selvakumar

ORDER

The defendants 1 and 2 in O.S.No.133 of 2015 on the file of the District Munsif Court, Srivaikundam, have filed the present Civil Revision Petition challenging the dismissal of their application to recall D.W.1 for the purposes of marking certain documents.



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2. A perusal of the records reveal that the respondents 1 to 10 herein have filed the above said suit for the relief of declaration of certain documents as null and void and for a permanent injunction restraining the defendants from alienating or creating any encumbrance over the suit schedule properties.

3. When the suit was posted for judgment on 25.04.2024, the defendants have filed an application to reopen and to recall and also for marking of certain documents. This application was not pressed. The defendants have filed another application to reopen and to recall and for marking of certain documents and the said application was allowed. D.W.1 has marked certain documents. Thereafter, the present application has been filed by the defendants to again recall D.W.1 and for marking of some other documents, which was dismissed by the trial Court. Challenging the same, the present Civil Revision Petition has been filed.



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4. According to the learned counsel appearing for the revision petitioners, the previous applications were filed for marking of certain documents on the side of the defendants and some of the documents were left out and therefore, only to mark the left out documents, the present application came to be filed.

5. Heard the learned counsel appearing for the revision petitioners and perused the materials available on record.

6. As rightly pointed out by the trial Court, the defendants having been filing application after application to recall D.W.1 for the purpose of marking documents. The trial Court has already permitted an application filed by D.W.1 to reopen, recall and to mark certain documents and when a second attempt was made for the same, the present application has been dismissed. Therefore, there are no merits in the Civil Revision Petition.



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7. Accordingly, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

01.04.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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



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R.VIJAYAKUMAR,J.

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