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DATED: 04.08.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)Nos.1073 to 1075 of 2025

and

C.M.P.(MD).Nos.5839 of 2025

Panchavarnam

...Petitioner
in all cases

Vs.

1.Karuppayee

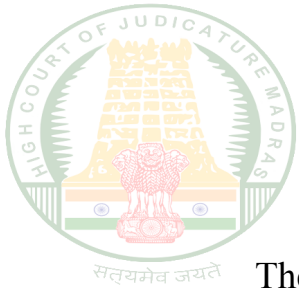
2.Kannan

...Respondents
in all cases

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the fair and ex-orders dated 07.02.2025 made in I.A.Nos.6, 7 and 8 of 2024 in O.S.No.222 of 2021 dated 07.02.2025 on the file of the Additional District Munsif Court, Thirumangalam and to allow the same.

For Petitioner

: Mr.K.Hemakarhikeyan
in all petitions



COMMON ORDER

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These civil revision petitions have been filed to set aside the fair and ex-orders dated 07.02.2025 made in I.A.Nos.6, 7 and 8 of 2024 in O.S.No.222 of 2021 dated 07.02.2025 on the file of the Additional District Munsif Court, Thirumangalam and to allow the same.

2. The learned counsel appearing for the petitioner would submit that the respondents herein had filed a suit in O.S.No.222 of 2021 before the learned Additional District Munsif, Thirumangalam, against the petitioner herein seeking the relief of declaration in respect of items 3 and 4 of the suit property, recovery of possession, and mandatory injunction.

2.(i). Pending the suit, the petitioner herein filed four interlocutory applications before the trial Court, namely:

- i) I.A.No.6 of 2024 — to recall PW1,
- ii) I.A.No.7 of 2024 — to reopen the case,
- iii) I.A.No.8 of 2024 — to receive additional written statement, and
- iv) I.A.No.9 of 2024 — to receive objection to the Advocate Commissioner's report.

By a common order dated 07.02.2025, the trial Court dismissed the applications in I.A.Nos.6, 7 and 8 of 2024 and allowed I.A.No.9 of 2024.

Aggrieved over the dismissal of the first three applications, the petitioner has filed the present Civil Revision Petitions.

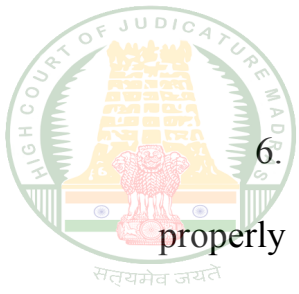


3. Since no adverse orders are going to be passed against the respondents, issuance of notice to the respondents is dispensed with.

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4. On perusal of the entire records, it is seen that the respondents/plaintiffs filed the suit for declaration, recovery of possession, and mandatory injunction. The evidence on the side of the plaintiffs was completed on 09.09.2024, and the matter was posted for defendant side evidence.

5. It is also seen that the very same petitioner had earlier filed an interlocutory application in I.A.No.5 of 2024 to reopen the evidence of PW1 for further cross-examination, which was allowed by the trial Court on 02.09.2024, subject to costs. After availing that opportunity, the petitioner has now come forward with the present interlocutory applications. The trial Court has recorded a finding that these applications have been filed only to protract the proceedings. The said finding is supported by the fact that the additional documents sought to be produced are based on a patta issued in favour of the respondents. Admittedly, patta is not a document of title, and the petitioner has not established how such document is necessary for an effective adjudication of the issues involved. Filing an additional written statement at this belated stage, without any substantial reason, would only amount to filling up the lacuna in the defence, which is impermissible in law.



6. This Court finds that the trial Court has exercised its discretion properly and in accordance with law. No ground is made out to interfere with the impugned orders in exercise of the supervisory jurisdiction under Article 227 of the Constitution of India.

7. Accordingly, the civil revision petitions stand dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

04.08.2025

Internet:Yes/No

Index:Yes/No

TSG

To

1.The Additional District Munsif Court, Thirumangalam.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

TSG

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