



C.R.P.(NPD)(MD).No.1738 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1738 of 2025

and

C.M.P.(MD)No.9421 of 2025

Ponnanganni Thevar (died)

Periyapandi

... Petitioner

Vs.

1.Mayakkal

2.Chinnapandi

3.Thangapandi

4.Muthupandiyammal

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 15.04.2025 made in I.A.No.63 of 2024 in O.S.No.804 of 2004 on the file of the Principal District Munsif Court, Thirumangalam.

For Petitioner : Mr.P.Santhana Krishnan



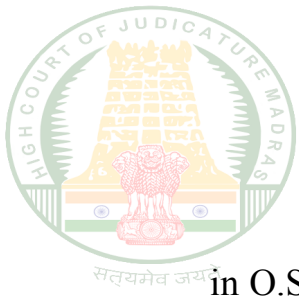
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ORDER

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The present Civil Revision Petition is filed challenging the fair and decreetal order dated 15.04.2025 made in I.A.No.63 of 2024 in O.S.No.804 of 2004 on the file of the Principal District Munsif Court, Thirumangalam.

2.The father of the petitioner, namely Ponnangani Thevar is the original plaintiff in O.S.No.804 of 2004. The defendants 3 to 5 are the siblings of the petitioner. The father of the petitioner is an employee of Meenakshi Mills Ltd., The said Company has allotted the suit property in favour of Ponnangani Thevar by way of sale agreement under the employee welfare scheme. However, sale deed was not executed by the Company, since the Company has to obtain clearance from the financial institutions from which it availed credit facilities. Subsequently, the Meenakshi Mills was taken over by the first defendant in the suit in O.S.No.335 of 2009, pending on the file of the District Munsif Court, Thirumangalam filed by the father of the petitioner herein for specific performance. In the meantime, the petitioner has borrowed a sum of Rs.20,000/- from one Mayakkal by mortgaging the property sold to him by his employer. Since the said Mayakkal forged the signature of the original plaintiff and tried grab the property, the original plaintiff filed a suit



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in O.S.No.804 of 2004 for permanent injunction and a direction. In that suit, the petitioner filed petition under Section 151 of CPC for reopening the plaintiff's side evidence. The said application was dismissed. Challenging the same, the petitioner has filed this Civil Revision Petition.

3.The learned counsel for the petitioner submits that the first defendant in O.S.No.335 of 2009, viz., Gujarat Heavy Chemicals Ltd./ employer of the original plaintiff has to be examined with regard to the fact that the suit property was sold to the original plaintiff under a sale agreement by the employer of the original defendant. The trial Court without considering this aspect, has simply rejected the application filed by the petitioner and the said order is not sustainable.

4.Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

5.The petitioner filed the application seeking to reopen the plaintiff's side evidence after completion of the evidence and at the stage of arguments of the suit. Further, the first defendant in O.S.No.335 of 2009 is not the party



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to the agreement, under which the original plaintiff traces his title. Further, the suit was filed in the year 2004 and evidence was also completed. Now after a lapse of more than 20 years and at the fag end of trial, the petitioner has filed the present interlocutory application only in order to drag on the proceedings. The trial Court has rightly appreciated all these issues and dismissed the application filed by the petitioner. The said order need not be interfered.

6. Accordingly, this Civil Revision Petition is dismissed. It is made clear that the trial Court shall decide the suit without being influenced by any of the observations made in the present petition. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2025

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

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



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M.DHANDAPANI,J.

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