



C.R.P.(PD)(MD).No.1826 and 1827 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)Nos.1826 and 1827 of 2025
and
C.M.P.(MD)No.10074 of 2025

Raja Mohamed

... Petitioner in both petitions

Vs.

1.Muthu Krishnan

2.Meenal

... Respondents in both petitions

COMMON PRAYER: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 16.04.2021 made in E.A.Nos.71 and 70 of 2020 in E.P.No.57 of 2013 in O.S.No.271 of 2011 on the file of the Principal Sub Court, Pudukkottai.

In both petitions:

For Petitioner	: Mr.V.George Raja for M/s.Ajmal Associates
For R1	: Mr.R.Paranjothi for M/s.KBS Law Office



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COMMON ORDER

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These Civil Revision Petitions are filed challenging the orders dated 16.04.2021 made in E.A.Nos.70 and 71 of 2020 in E.P.No.57 of 2013 in O.S.No.271 of 2011 on the file of the Principal Sub Court, Pudukkottai.

2.The petitioner is the third party to the suit proceedings in O.S.No.271 of 2011, which was filed by the first respondent/plaintiff for specific performance as against the second respondent herein. The said suit was decreed on 04.07.2012. Thereafter, the first respondent filed an execution petition in E.P.No.57 of 2013 as against the second respondent. At the time, the petitioner filed E.A.No.180 of 2013 under Order XXI Rules 51, 90, 101 and Section 47 of CPC stating that he has purchased the property from the purchaser from second respondent herein for valid sale consideration by way of registered document. The claim petition was entertained and the petitioner side evidence was closed. Now, the petitioner filed E.A.No.70 and 71 of 2020 seeking to re-open and recall the evidence on the side of the petitioner herein under Section 151 of CPC. Both the applications were dismissed. Challenging the same, the present Civil Revision Petitions are filed.

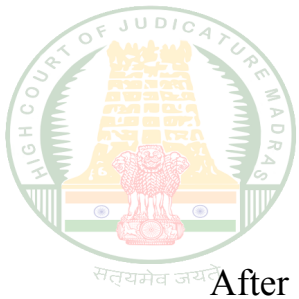


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3.The learned counsel for the petitioner in both petitions would submit that admittedly, the suit was filed for specific performance by the first respondent /plaintiff as against the second respondent /defendant in the year 2010. Whereas, one Abdul Hameed, purchased the subject property from the second respondent in the year 2008 itself, which is much prior to the filing of the suit. Subsequently, the petitioner purchased the subject property from the said Abdul Hameed in the year 2009. The petitioner came to know about the suit for specific performance only in the year 2013. Immediately thereafter, the petitioner filed a claim petition. In that claim petition, after the evidence was closed on the side of the petitioner, the petitioner sought to mark some more documents in his favour through P.W.1. However, the trial Court without considering the factual aspects of the case, dismissed the applications filed by the petitioner for reopen and recall of P.W.1.

4.Per contra, the learned counsel for the first respondent / plaintiff submitted that the suit was decreed in the year 2012. The claim petition was filed in the year 2013. From the year 2013, the petitioner is filing petition after petition to drag on the proceedings and the same cannot be entertained.



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After considering all these aspects, the trial Court has dismissed the applications filed by the petitioner and the same need not be interfered.

5.Heard the rival submissions made on either side and perused the materials placed on record.

6.Admittedly, the suit for specific performance was filed by the first respondent/plaintiff in the year 2011 and was decreed in the year 2012. The petitioner filed the claim petition in the year 2013 stating that he has purchased the property in the year 2009 prior to filing of the suit from one Abdul Hameed, who has purchased the property from the second respondent. The said claim petition was entertained and after adjudication, the claim petition is adjourned 'for orders'. At this stage, the petitioner filed applications for recall and reopen of evidence on the side of the petitioner. Reopening of evidence at this stage cannot be maintained. Further, the present applications are filed after a lapse of twelve years. The trial Court has rightly appreciated all these issues and dismissed the applications filed by the petitioner. Therefore, this Court is not inclined to interfered with the just and reasonable orders passed by the trial Court.



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7. Accordingly, these Civil Revision Petitions are dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

01.08.2025

NCC : Yes/No
Internet : Yes / No
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To

1. The Principal Sub Court, Pudukkottai.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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