



C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023

CMP(MD).No.14621 of 2023

Saravanakumar

.... Petitioner/Petitioner/Plaintiff

-VS-

Ariammal (died)

..../1st Respondent/1st Defendant

1.Palanichamy

2.Pappa

3.Annapoorani

4.Pappathiammal

...Respondents/Respondents 2 to 5
/Defendants 2 to 5

COMMON PRAYER: The Civil Revision Petitions have been filed under Article 227 of Constitution of India, to set aside the order dated 01.08.2023 made in I.A.Nos.11, 12, 13 & 14 of 2023 in O.S.No.94 of 2016 on the file of the Additional District Judge, Dindigul and allow these civil revision petitions.



C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023

WEB COPY (In all the petitions)

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.M.R.Sreenivasan for R4

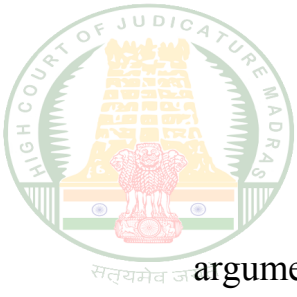
: No appearance for R1 to R3

COMMON ORDER

The plaintiff in O.S.No.94 of 2016 on the file of the Additional District Judge, Dindigul has filed the present civil revision petitions challenging the orders passed by the trial Court in I.A.Nos.11, 12, 13 and 14 of 2023.

2.A perusal of the records reveals that the plaintiff has filed the above said suit for the relief of partition and separate possession.

3.In the said suit, the defendants have filed their written statement on 30.6.2017 contending that the suit schedule properties are self-acquired properties of the grandfather of the plaintiff. When the suit was posted for arguments, the plaintiff has chosen to file these four applications to reopen, recall DW2, to receive documents and to receive reply statement. These applications came to be dismissed by the trial Court on the ground that it has been filed belatedly that too during the time of

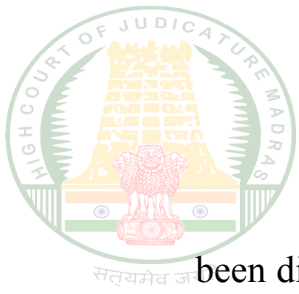


C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023

arguments. It is also found that there are no pleadings with regard to the document which are sought to be received. Challenging the same, the present civil revision petitions have been filed.

4. According to the learned counsel for the revision petitioner, the suit schedule properties are ancestral properties of the grandfather. He had sold two items of the properties under the document which are sought to be marked. From the sale proceeds, the grandfather has purchased the suit schedule properties. However, the defendants have contended that they are the self-acquired properties of the grandfather. Therefore, these documents have to be received in evidence. The learned counsel had further contended that marking of these documents, DW1 has to be recalled. In order to dispute the contention made in the written statement, the plaintiff would like to file his reply statement.

5. Per contra, the learned counsel appearing for the fifth defendant submits that she is the decree holder in a suit for specific performance and the execution proceedings are pending. Only after a decree was passed in the specific performance suit, the present suit has been laid by the son of the judgment debtor. According to him, the judgment debtor himself has filed a separate suit for partition and it has



C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023

been dismissed. In such circumstances, the attempt made on the part of the present plaintiff is only to drag on the proceedings and to defeat the rights of the fifth defendant to get the decree for specific performance executed.

6. Heard both sides and perused the material records.

7. It is the specific contention that the suit schedule properties are ancestral properties of grandfather of the plaintiff. The defendants have filed their written statement in the year 2017 itself disputing the said fact and contended that the suit schedule properties are self-acquired properties of the grandfather of the plaintiff. Therefore, the entire burden would be upon the plaintiff to establish that the suit schedule properties are ancestral properties of the grandfather of the plaintiff. In such circumstances, the plaintiff cannot take its own time and file applications when the suit is posted for arguments.

8. In view of the above said deliberations, the trial Court has rightly chosen to dismiss the applications on the ground that these applications have been filed belatedly. There are no merits in the applications. Accordingly, all the civil revision petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.



C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023

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9.The suit is of the year 2016 and it is posted for argument. The trial Court is directed to dispose of the suit on or before 30.09.2025.

09.04.2025

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
msa

To

1.The Additional District Judge
Dindigul

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023

R.VIJAYAKUMAR, J

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C.R.P.(PD)(MD).Nos.2806 to 2809 of 2023
CMP(MD).No.14621 of 2023

09.04.2025