



WEB COPY

CRP No. 902 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-01-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

C.R.P.No.902 of 2024

C.M.P.No.4468 of 2024

1. Mani
2. Palani Gounder
3. Pachiyappan

..Petitioner(s)

Vs

Gandhi

..Respondent(s)

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the impugned order dated 06.12.2023 passed by the learned District Munsif Judge, Omalur, in I.A.No.4 of 2023 in O.S.No.240 of 2013 and allow this revision petition.

For Petitioner(s): T.Ganesan

ORDER

The Civil Revision Petition is filed challenging the order passed by the trial Court dismissing the application filed by the petitioner seeking to reopen the case.



2.The petitioner herein filed a suit seeking declaration of his right over suit cart track and for permanent injunction restraining the defendant from obliterating the remaining portion of the suit pathway. He also sought for a mandatory injunction directing the defendant to restore portion of the suit cart track in S.No.72/3B which was already obliterated. It is seen from the typed set of papers the trial in the suit is over and the matter is posted for arguments. At this stage, the present application has been filed by the petitioners seeking to reopen the case and to enable the petitioners to examine further witnesses on their side. The application was dismissed by the trial Court. Aggrieved by the same, the petitioners have come before this Court.

3.The learned counsel for the petitioners would submit that the petitioners want to mark some vital documents through witness and therefore, an opportunity shall be given to petitioners to examine witness and mark the vital documents in support of their case.

4.Heard the learned counsel for the petitioner and perused the materials available on record.

5.It is seen from the impugned order the issues in the suit were framed on 06.04.2017 and the petitioners examined two witnesses as P.W.1 and P.W.2 and inspite of several opportunities they have not examined any further witnesses.



Therefore, the suit was adjourned on 03.06.2019 for examination of witnesses on the side of the defendants. On behalf of the respondents they examined one witness as D.W.1 and he was cross-examined by the petitioners in part. Thereafter, petitioners failed to continue the cross examination on two hearing dates on 08.06.2023 and 21.06.2023. Hence, trial Court suo-motu closed the evidence of defendant's side and posted the matter for arguments. Thereafter, the petitioners filed two applications in I.A.Nos.2 and 3 of 2023 seeking to reopen the case and recall D.W.1 and the same was allowed and D.W.1 was further cross-examined on 28.07.2023. After closure of D.W.1's evidence, the suit was posted for arguments on 18.08.2023, 04.09.2023 and 12.09.2023. After getting adjournment for three occasions the petitioners have come out with present application seeking to reopen the case and to examine further witnesses. In the affidavit filed in support of the petition seeking reopening of the case, it was vaguely pleaded by the petitioners that they wanted to examine further witnesses in support of their case. The petitioners have not given any details of the witnesses to be examined by them and the purpose for which the petitioners want to examine the witnesses. In the absence of any acceptable reason by the petitioners for reopening the case, the trial Court rightly dismissed the application after explaining how the suit was dragged on by the petitioners for more than six years. Taking into consideration the totality of the circumstances and in the absence of any specific reason for reopening the case in the affidavit filed by the petitioners, this Court is not inclined to interfere with the order of



the trial Court. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:-
The District Munsif Court,
Omalur.



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S.SOUNTHAR, J.

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