

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2015

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

C.R.P.(PD) Nos.1062 to 1064 of 2015

&

M.P. Nos. 1 of 2015

1. D. Rajeswari
 2. D. Murugesan
 3. D. Gnanavel
 4. D. Ramesh
- ..Petitioners

Vs.

N. Gangammal

..Respondent

Prayer: Civil Revision Petition as against the decree and orders dated 18.02.2015 passed in I.A. Nos. 313, 314 & 315 of 2015 in O.S. No. 260 of 2009 by the District Munsif Court, Chengalpattu.

For Petitioners :: Mrs.C.R. Rukmani

O R D E R

The petitioners, who are defendants in O.S. No. 260 of 2009 on the file of District Munsif Court, Chengalpattu, are before this Court challenging the orders dated 18.02.2015 passed in I.A. Nos. 313 to 315 of 2015

filed by the respondent/plaintiff to re-open the evidence on her side in order to recall P.W.2; re-examine the said witness; mark certain documents in the above said suit (I.A. Nos. 313 & 314 of 2015) and to receive those documents and mark them as exhibits (I.A. NO. 315 of 2015).

2. Heard Mrs.C.R. Rukmani, learned counsel for the petitioners, who would strenuously argue that when the matter was posted for arguments, deliberately, the respondent took out the above said interlocutory applications to mark revenue records to grab 24 cents of property whereas the claim in the suit is for only one cent. Further, the learned counsel would submit that there is discrepancy with regard to the survey numbers and by amending the survey numbers, namely, S.No. 113/1A2 and 113/12, a larger extent of property is sought to be grabbed and with that view alone, the above said I.A.s were taken out.

3. However, a close scrutiny of the orders passed by the Trial Court would reveal that the suit property is situate in S.No. 113/12 and only with regard to that property alone, revenue records, namely, patta, adangal for fasli 1418, 1419, 1420, 1421 and Firka Surveyor proceedings dated 14.04.2004 are sought to be marked and for marking the said documents through P.W.2, the evidence on the side of the respondent/plaintiff is sought

to be re-opened. Even the contention of the learned counsel for the petitioners that there is no pleading with regard to those documents, suits the convenience of the petitioners/defendants, since the petitioners are at liberty to raise their objections with regard to the marking of those documents, at the time of their marking. Even if those documents are allowed to be marked, the petitioners can discredit or impeach those documents, apart from cross-examining P.W.2, stating that there is no pleading with regard to those documents in the plaint. When such safeguards are available to the petitioners, they cannot prevent the respondent/plaintiff, at the threshold itself, from marking the said documents. After all, the suit in O.S. No. 260 of 2009 has been filed by the respondent/plaintiff and she is duty bound to positively prove her case. If opportunity is not given to the plaintiff to prove her case, then definitely, her right would be affected. Moreover, the right of the petitioners is also safeguarded, as stated above.

4. In view of the aforesaid reasons, the orders passed by the Trial Court, allowing I.A. Nos. 313 to 315 of 2015, cannot be said to be illegal and they are sustained.

5. However, the contention of the learned counsel for the petitioners that the filing of the I.A.s is a method adopted by the

respondent/plaintiff to prolong the matter cannot be ignored. Therefore, the learned District Munsif, Chengalpattu, is directed to dispose of the suit in O.S. No. 260 of 2009, pending on his file, on or before 30th April 2015.

N. KIRUBAKARAN,J.

nv

6. With the above direction, the civil revision petitions are dismissed. No costs. Connected M.Ps. are closed.

13.03.2015

nv

(Note to Office: Issue order copy by

16.03.2015)

To

The District Munsif Court, Chengalpattu.

C.R.P.(PD) Nos. 1062 to 1064 of 2015