

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2326 of 2015 &
M.P.No.1 of 2015

1.C.Subramani
2.Kanagavalli

... Petitioners

v.

Alaguvel

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 06.06.2015 made in I.A.No.411 of 2015 in O.S.No.186 of 2004 on the file of District Munsif, Tiruvotriyur.

For Petitioner : Mr.Ilanthiraiyan_

O R D E R

Challenging the fair and final order passed in I.A.No.411 of 2015 in O.S.No.186 of 2004 on the file of District Munsif Court, Tiruvotriyur, the defendants have filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.186 of 2004 for recovery of possession. The suit is being contested by the defendants.

3. After the commencement of the trial, the plaintiff filed an application in I.A.No.411 of 2015 to recall P.W.1 for the purpose of marking some documents.

4. In the affidavit filed in support of the application, the plaintiff has stated that the documents could not be marked at the first instance for the reason that he could trace the documents only recently.

5. Though the application was opposed by the defendants, the Trial Court allowed the application.

4. It is needless to say that the defendants shall have an opportunity of cross examination of P.W.1 with regard to the documents sought to be

marked through him. It is also needless to say that the plaintiff has to establish the truth and admissibility of the documents at the time of trial. Therefore, in the interest of justice, the plaintiff can be given an opportunity to mark the additional documents. In these circumstances, the Trial Court has rightly allowed the application.

5. In view of the above, I do not find any error or irregularity in the order passed by the Trial Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Since the suit is pending from 2004, I direct the District Munsif Court, Tiruvotriyur, to dispose of the suit in O.S.No.186 of 2004 , on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes

18.06.2015

Rj

To

The District Munsif Court,
Tiruvotriyur

M. DURAISWAMY,J.,

Rj

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