

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2015

CORAM

THE HONOURABLE **Mr. JUSTICE K.KALYANASUNDARAM**

CRP.(PD).Nos.90 & 91 of 2015

and

M.P.Nos.1 & 1 of 2015

P.Vijayan

.. Petitioner in both the petitions

Vs.

1.J.Saravanan

2.T.Dhanachelian

3.Chinnaponnu

4.The District Collector,
Vellore.

5.The Tahsildar,
Arakkonam Taluk,
Vellore District.

6.Premkumar

7.Varalakshmi

.. Respondents in both the petitions

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the judgment and decree dated 31.10.2014 passed in I.A.Nos.543 & 544 of 2014 on the file of District Munsif Court, Sholinghur, Vellore.

For Petitioner

: Mr.R.Rajaraman

COMMON ORDER

The petitioner is the plaintiff in the suit O.S.No.2 of 2008 on the file of the District Munsif Court, Sholinghur, Vellore. The suit was filed by the plaintiff for declaration of his title over the suit property and for permanent injunction. The respondents filed their written statement denying the rights of the plaintiff in the suit property.

2.The defendants filed I.A.Nos.543 & 544 of 2014 to condone the delay in filing the documents and to recall D.W.1 to give further evidence. The said applications were resisted by the petitioner stating that there was no pleading to that effect in the written statement. The trial Court allowed the said applications. Aggrieved by the order of the trial Court, the present revisions have been filed.

3.Mr.R.Rajaram, learned counsel for the petitioner submitted that the defendants attempted to produce the documents after examination of witness and there is no pleading to that effect in the written statement.

4.The petitioner had instituted the suit for declaration of title and for permanent injunction. The defendants have disputed the title of the plaintiff over the suit property. During examination of D.W.1, the plaintiff has cross examined about the documents, sought to be marked. Thereafter, these applications were filed by the defendants to produce the documents.

5.The trial Court held that reliability of the documents can be decided only at the time of marking them and there is no prejudice to the plaintiff at this stage. The trial court having taken that view, allowed the applications.

6.Admittedly, the petitioner is having an opportunity to contest his case. Hence, I do not find any illegality or irregularity in the order passed by the trial Court and hence, the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition is closed. No costs.

02.02.2015

DP

K.KALYANASUNDARAM.J,

DP

To

The District Munsif Court,
Sholinghur, Vellore.

CRP.(PD).Nos.90 & 91 of 2015
and
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