

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(PD).No.917 of 2015
and M.P.No.1 of 2015

M.Selvi Ayyammal

.. Petitioner/Plaintiff

Vs.

Ponnusamy

.. Respondent/Defendant

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order dated 13.08.2014 made in I.A.No.1084 of 2013 in O.S.No.125 of 2009 on the file of the Additional District Munsif Court, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr.K.G.Senthilkumar
For Respondent : Mr.Y.Jyothish Chander

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated 13.08.2014 made in I.A.No.1084 of 2013 in O.S.No.125 of 2009 on the file of the Additional District Munsif

Court, Cheyyar, Thiruvannamalai District.

2.The revision petitioner herein as a plaintiff filed a suit in O.S.No.125 of 2009 for bare injunction restraining the defendant and their men to interfere with the plaintiff's peaceful possession and enjoyment of the suit property till the disposal of the suit. The defendant/respondent herein has filed a written statement and contesting the suit. During pendency of the suit, the plaintiff has filed an application in I.A.No.1084 of 2013 for reception of additional documents 1 to 12. The trial Court, after hearing both sides, dismissed the application stating that those documents are not relevant, since they came into existence after filing of suit. Challenging the same, the present revision petition has been preferred by the plaintiff.

3.Learned counsel for the revision petitioner submits that it is true, the documents sought for as additional evidence came into existence after filing of suit. But to prove her continuous possession, those documents are necessary. That factum was not considered by the trial Court. Therefore, he prayed for allowing the revision petition.

4.Resisting the same, learned counsel for the respondent

submits that since the plaintiff/revision petitioner has filed the suit for bare injunction, she has to prove that on the date of filing the suit, she is in possession of the suit property that too her possession is legal. He further submits that the said documents are only house tax receipts, electricity bills and encumbrance certificate. The trial Court has rightly dismissed the application by holding that those documents came into existence only after filing the suit. Therefore, he prayed for dismissed of the revision petition.

5.Considered the rival submissions made on both sides and perused the materials available on record.

6.The revision petitioner herein as a plaintiff filed the suit for bare injunction stating that she purchased the property on 10.09.2008 from one Mangammal and from that date onwards, she constructed a thatched house and obtained electricity service connection, water connection and has been in possession and enjoyment of the suit property by way of paying amount. Since the respondent/defendant attempted to interfere with the plaintiff's peaceful possession and enjoyment of the suit property on 15.03.2009, the plaintiff/revision petitioner constrained to file the

suit.

7. On perusal of the documents, it reveals that all the documents came into existence only after filing of the suit. It is to be noted that a document cannot be a valid one, as it came into existence after filing of the suit. In my view, the trial Court has rightly held that the documents cited by the plaintiff came into existence only after filing of the suit and hence, they cannot be considered as a valid evidence. Therefore, I do not find any reasons to interfere with the findings of the trial Court. The Civil Revision petition deserves to be dismissed and it is hereby dismissed.

8. In the result, the Civil Revision Petition stands dismissed. Since the suit is of the year 2009, the trial Court is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

06.11.2015

kj

To

The Additional District Munsif Court, Cheyyar
Thiruvannamalai District.

R.MALA,J.

Kj

C.R.P(PD).No.917 of 2015
and M.P.No.1 of 2015

06.11.2015