



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.01.2015

Coram:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (PD) (MD)Nos.2160 to 2162 of 2014

and

M.P. (MD) .No.1 of 2014

Kasi Thevar

... Petitioner in all CRP's

vs.

1. Indira

2. Neelamegam

... Respondents in all CRP's

PRAYER: These Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the order dated 31.07.2014 made in I.A.Nos.519, 520 and 521 of 2014 in O.S.No.28 of 2009 on the file of the learned District Munsif, Aranthangi.

For Petitioner : M/S.R.Karthika

For Respondents : No appearance.

C O M M O N O R D E R

These Revision Petitions are directed against the order refusing to reopen, recall and receive the documents in evidence.

2. The plaintiff has filed a suit in O.S.No.28 of 2009 for permanent injunction restraining the defendants from interfering with the peaceful possession of the property. In the said suit, the evidence is over and posted for arguments. At this stage, the I.A.Nos.519, 520 and 521 of 2014 in O.S.No.28 of 2009 are filed by the plaintiff to reopen, recall and mark documents. The documents sought to be marked are the petition written by the first defendant addressed to the District Collector, Pudukottai and the second document is dated 17.07.2007, which is deposition of the second defendant before the District Revenue Officer.

3. The defendants contested the said applications contending that though the suit has been filed in the year 2009, it has been kept pending for a long time and the applications are filed after the evidence is over. The document copies are of the year 2007 and it could have been obtained before the commencement of the trial. It is further contended that these two documents are not relevant to the facts of the case. The learned District Munsif, Aranthangi accepting the contentions of the respondents dismissed all the three applications only on the ground that the applications are filed in a belated stage.

4. The Order 18 Rule 17 of C.P.C. can be exercised at any stage of the suit either by the Court on its own or at the instance of any party to recall and put such questions as the Court thinks fit. However, the said provision has be exercised spaningly and it cannot be allowed for the sake of asking and the suit is filed for bare injunction based on his possession which is not stated in the affidavit as to how these documents are relevant for the purpose of the suit. Further, there is no justifying reason for the Court to oblige a party to examine any particular witness. The aim of the petitioner is to fill up the lacuna in the evidence that is left out in the evidence of P.W.1



5. Admittedly, the evidence is over and it is posted for arguments. Therefore, it will not be proper to reopen the case at this stage to mark documents. The suit is for bare injunction. The reopening of the case and recalling the witness after this length of time will be prejudicial to the interest of the other side. Therefore, this Court seeks no material irregularity in the order of the District Munsif, Aranthangi and the same is confirmed. The Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writ)

/ True Copy/

Sub Assistant Registrar

To
The District Munsif,
Aranthangi.

+3cc's to Mr.K.Baalasundharam, Advocate, Sr.Nos.1328 to 1330

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