



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2015

CORAM:

THE HONOURABLE Dr.JUSTICE P.DEVADASS

C.R.P.PD(MD)Nos.2088 and 2089 of 2015

and

M.P.(MD)No.1 of 2015

T.C.Ganesha Subramanian ... Petitioner in both CRPs.

Vs.

1.Rajamani Dass

2.Azhvar Dass ... Respondents in both CRPs.

Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair order and decretal order passed in I.A.Nos.239 and 240 of 2015 in O.S.No.156 of 2010 dated 24.06.2015 on the file of the Additional Sub Court, Tirunelveli.

For Petitioner : Mr.S.Meenakshi Sundaram

COMMON ORDER

As only a short point is involved, we shall dispose these connected CRPs today at the admission stage itself.

2.These revisions are at the instance of the plaintiff in O.S.No.156 of 2010 (Additional Sub Judge, Tirunelveli) as against allowing defendant's I.A.No.240 of 2015 to reopen the evidence and also allowing I.A.No.239 of 2015 to recall R.W.2.

3.According to the learned counsel for the revision petitioner, a release deed dated 03.12.2007, which is available on record long back now sought to be introduced in evidence, after the arguments were over. It is an attempt to fill up the lacunae. There is no reason in the impugned order as to why the IAs. are allowed.

4.I have considered the submissions of the learned counsel for the revision petitioner and perused the impugned order.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The Trial Court dwelt at length on the contours of Section 163 of Evidence Act, which deals with bringing in evidence a



document, which has been produced in view of a notice having been served upon one party.

6. In the suit declaration and injunction have been sought for. It is a property matter. The release deed dated 03.12.2007 now sought to be introduced in evidence. Plaintiff wants to advance his case also on the basis of the said document. Both parties have to be given opportunity to produce their oral and documentary evidence. The mere fact that the IAs were allowed did not give licence to the plaintiff to automatically to introduce documents. Still opportunity available to the defendants. Further in order to compensate the prejudice caused to the other side the Trial Court also awarded cost.

7. In the circumstances, no interference is called for to the impugned orders of the Trial Court.

8. Thus, these CRPs are dismissed. No costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar (Per Admn)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Judge, Tirunelveli.

2. The Additional Sub Judge, Tirunelveli.

Nbj

AA/SKS-RR/27.10.2015/2p-3c

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