



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2016

CORAM

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

C.R.P. (PD) (MD) No.307 of 2016

and

C.M.P. (MD) .No.1240 of 2016

Chinnasamy @ Gundu Poosari

... Petitioner

Vs.

1. Gnaneswaran
2. Pounraj
3. Samboornam (died)
4. Dhivya

... Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order in I.A.No.252 of 2015 in O.S.No.135 of 2012 dated 29.06.2015 on the file of Second Additional District Judge, Trichy.

For Petitioner : Mr.S.Muthukrishnan

O R D E R

The Civil Revision Petition is filed against the fair and decreetal order in I.A.No.252 of 2015 in O.S.No.135 of 2012 dated 29.06.2015 on the file of the Second Additional District Judge, Trichy.

2. The petitioner is the 5th defendant, the first respondent is the plaintiff and the respondents 2 to 4 are the defendants 3, 6 and 7 in the suit. The first respondent filed a suit for declaration that he is absolute owner of 'A' schedule property as per family arrangement dated 08.08.2007. The petitioner filed written statement and contesting the suit. Trial commenced. The evidence of respondent/plaintiff had been completed. The petitioner filed I.A.No.252 of 2015, for receiving additional documents. According to the petitioners in I.A.No.252 of 2015, these documents are necessary to prove their case. The respondent contested the same and stated that all the documents are subsequent to filing of the suit created for the purpose of suit and stated that the petitioner has not given any reason for not filing the document in time.



3. The learned Second Additional District Judge, Trichy, after considering the facts and materials on record, dismissed the application filed by the petitioner. Against such order of dismissal, the present Civil Revision Petition is filed.

4. The learned counsel for the petitioner submitted that the learned Judge erred in dismissing the application on the ground that documents are subsequent to filing of suit. The learned Judge ought to have seen that marking of documents will not prejudice and will not affect the verdict in the suit. The reason given by the learned Judge for dismissing the application is erroneous.

5. Heard the learned counsel for the petitioner.

6. From the records, it is seen that the evidence of P.W.1 was completed and proof affidavit of petitioner as D.W.1, has been filed. The document sought to be filed and marked are subject to filing of the suit. The learned Judge considered all these facts in proper perspective and dismissed the application. In such circumstances, there is no reason warranting interference by this Court. Accordingly, the Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

The Second Additional District Judge, Trichy.

+one cc to M/s.S.Muthu Krishnan, Advocate in SR.No.7514

akv

CSL/GSV-PM/07.04.2016 :2p/3c

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