

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P. (PD) NO.3524 OF 2017
AND CMP NO.16313 OF 2017

1.J.Prabakaran
2.R.Kala

... Petitioners

Vs.

1.I.Geoffrey Joe
2.Lavanya

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 21.08.2017 made in I.A.No.448 of 2014 in O.S.No.23 of 2014 passed by the learned Sub Judge at Ponneri.

For Petitioners : Mr.K.Mahalingam
For Respondents : Mr.K.Chandru

ORDER

This Civil Revision Petition is directed against the dismissal of interlocutory application filed to receive additional documents after condoning the delay.

2. The suit is filed for ejection of the petitioners/plaintiffs from the petition premises. The petitioners are the tenants. They have filed the suit for recovery of advance amount in O.S.No.52 of 2012. The case of the petitioners / plaintiffs is that the respondents have received a sum of Rs.5,00,000/- towards advance of sale consideration. Since both the respondents / defendants are intending to cheat the petitioners, they have filed the suit for recovery of advance amount. The respondents/defendants have filed a suit for ejection. In the ejection suit, the petitioners seek to mark the divorce petition, maintenance petition and counter in maintenance petition and diary entries of a third party as documents. The Trial Court having found that the documents pertaining to marital disputes between the respondents was considered to be unnecessary documents and the suit can be decided even without those documents, dismissed the petition.

3. The learned counsel for the petitioners would submit that any document filed by the party shall be received subject to proof and relevancy and it cannot be rejected in *limine*.

4. Admittedly, the suit is one for ejection. The landlord and tenant relationship is admitted. In such a case, matrimonial dispute between the landlords is noway connected to decide the ejection suit filed against the tenants. Even though those documents are relevant to the suit, the same shall be received subject to relevancy and admissibility. But it does not mean that all the unnecessary documents can be marked in a suit. In the present case, the documents relating to the matrimonial dispute between the landlords and the transaction with their parties were neither connected to the ejection nor eviction proceedings and they need not be marked as they are not necessary. Therefore, the question of receiving it subject to proof and relevancy will not arise in this case. Further, the said documents were filed at the belated stage. The Trial Court considering the totality of the circumstances has rightly dismissed the petition. I do not find any discrepancy in the order and therefore, the Civil Revision Petition merits no consideration and accordingly dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

11.12.2017

Index : Yes/No

Internet : Yes/No

TK

Note: Issue order copy on 12.12.2017

M.GOVINDARAJ, J.

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To

The Sub Court
Ponneri.



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