

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.4650 to 4652 of 2014
& M.P.No.1 of 2014

T.M.Kumaresan

.. Petitioner
in all the CRPs.

Vs.

1.Subramaniya Reddy
2.Krishnaveni
3.Varadha Reddy
4.V.Ramesh
5.V.Karthi

.. Respondents
in all the CRPs.

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decretal order dated 07.08.2014 made in I.A.Nos.394 to 396 of 2014 in O.S.No.124 of 2010 on the file of the District Munsif Court, Pallipattu.

For Petitioner : Mr.B.Jawahar

For Respondents : No appearance

COMMON ORDER

The Civil Revision Petitions are filed against the fair and decretal order dated 07.08.2014 made in I.A.Nos.394 to 396 of 2014 in O.S.No.124 of 2010 on the file of the District Munsif Court, Pallipattu.

2. In all the three Civil Revision Petitions, the parties and the issues are one and the same and hence, they are disposed of by this common order.

3. The petitioner is plaintiff and the respondents are the defendants in O.S.No.124 of 2010 on the file of the District Munsif Court, Pallipattu. The petitioner filed said suit for permanent injunction against the respondents restraining them from interfering with his peaceful possession and enjoyment of the suit property. The respondents filed written statement on 04.02.2011 and are contesting the suit. The trial was commenced and both the parties let in evidence and closed their side. When the suit was posted for arguments, the petitioner filed I.A.Nos.394 to 396 of 2014 to reopen the case, recall P.W.1 and to condone the delay for filing documents.

4. According to the petitioner, he obtained certified copy of chitta, 'A' Register and sagupadi adangal and the revenue documents are vital to substantiate his case. He obtained those documents through the Court certificate issued by the Court and filed above applications for reopen the case, recall P.W.1 for marking of those documents and for condonation of delay in filing those documents. The documents are already existing available documents and in filing those documents, no prejudice will be caused to the respondents.

5. First respondent filed counter affidavit and denied the averments made in the said applications and submitted that the petitioner has not given any valid reason for not filing documents earlier. The documents filed by the petitioner are after completion of evidence and prayed for dismissal of the said applications.

6. The learned Judge considering the averments made in the affidavit, counter affidavit and materials available on record, dismissed all the three applications.

7. Against the said order of dismissal dated 07.08.2014 made in I.A.Nos.394 to 396 of 2014, the present three Civil Revision Petitions are filed by the petitioner/plaintiff.

8. Heard the learned counsel for the petitioner and perused the materials available on record.

9. The petitioner has filed suit in the year 2010 for permanent injunction restraining the respondents from interfering with his possession and enjoyment of the suit property. According to the petitioner, the suit properties were purchased by his grand father and after the death of his grand father, the property was allotted to his father in oral partition between his father and father's brother. Along with the plaint, the petitioner filed only three documents i.e., computerised patta, house tax receipt and registered settlement deed in favour of the petitioner. The petitioner now seeks to file five documents such as chitta, 'A' Register and sagupadi adangal. The petitioner has not given any reason as to why he has not obtained revenue documents now sought to be marked before filing of the suit or before commencement of trial and conclusion of evidence.

10. The Court has power to recall, reopen and condone the delay in filing the document by any parties at any stage of the suit. The Court can exercise this power only for any clarification or when there is any ambiguity. The Court has not empowered to permit any person to fill up any lacuna.

11. In the present case, the petitioner has stated in the affidavit that the documents sought to be filed are existing documents and no prejudice will be caused to the respondents. The petitioner has not given any reason for not obtaining those documents till 06.01.2014, wherein the Court issued Court certificate to the petitioner. All the three applications are filed at the stage of arguments, only to drag on the proceedings and to fill in lacuna.

12. The learned Judge has considered all the aspects in proper perspective and dismissed the applications by giving cogent and valid reason. There is no irregularity or illegality warranting interference by this Court with the order of the learned Judge dated 07.08.2014.

13. In the result, the Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.12.2017

Index:Yes/No

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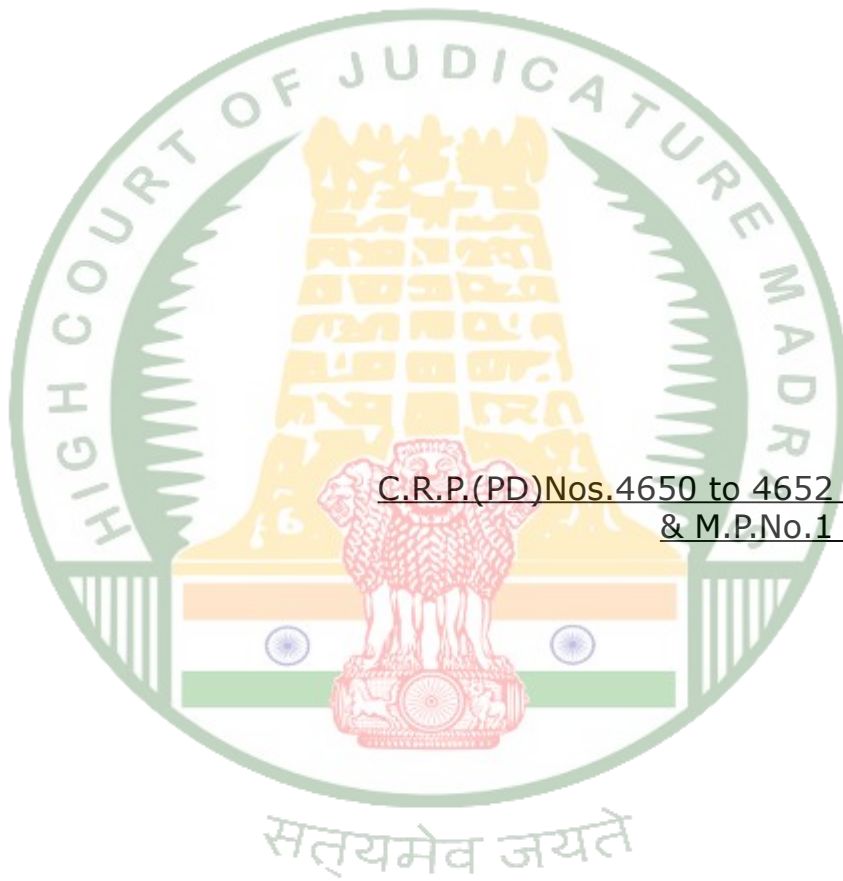
The District Munsif, Pallipattu.



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V.M.VELUMANI, J.

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