

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

CRP(PD)Nos. 2878 to 2880 of 2013
and M.P.No.1 of 2013

V.Ramanan

... Petitioner in all CRPs.

Vs.

G.Dharani

... Respondent in all CRPs.

Civil Revision Petitions filed under Article 227 of the Constitution of India against the order and decretal order dated 27.09.2012 passed by the Learned District Munsif, Madurantakkam, Kancheepuram District dismissing I.A. Nos.1121, 1122 and 1123 of 2012 in O.S. No.188 of 2007.

For petitioner : Mr.N.Nagu Sah

For Respondent : Mr.K.Goviganesan

C O M M O N O R D E R

The petitioner filed three applications before the trial Court in O.S.No.188 of 2007. The applications were to receive documents, to reopen

the defendant's side evidence and to recall D.W.1 for further evidence. The learned trial Judge dismissed all the applications. The revision petitions are directed against the common order dated 27 September 2012.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. The respondent filed a suit for declaration and consequential injunction. The suit was contested by the petitioner by filing written statement. Thereafter, evidence was adduced on behalf of the parties.

4. The petitioner filed three applications before the trial Court to receive additional documents, to reopen the evidence and to recall D.W.1 for further evidence.

5. The learned District Munsif, Madurantakkam, earlier allowed an application filed by the petitioner to receive additional written statement. It

was only to give evidence with respect to the additional written statement that the petitioner filed an application to reopen and recall DW1. The learned trial Judge, without considering the earlier order passed in I.A.No.1120 of 2012 dismissed all the three applications.

6. The learned trial Judge was correct in dismissing the application to receive the documents at a belated stage. I am, therefore, of the view that there is no merit in the civil revision petition filed by the petitioner in CRP No.2880 of 2013.

7. The learned counsel for the petitioner is correct in his contention that having allowed the application to receive additional written statement, the learned trial Judge ought to have permitted the petitioner to adduce evidence by recalling D.W.1. The learned trial Judge without any justifiable reasons, dismissed those applications. I am, therefore, of the view that the two orders passed by him, which are the subject matters in CRP(PD) No.2878 and 2879 of 2013 are liable to be set aside.

K.K.SASIDHARAN, J.

gms/maya

8. In the result, the common order dated 27 September 2012 in I.A.Nos.1121 and 1122 of 2012 are set aside. The applications in I.A.Nos.1121 and 1122 of 2012 are allowed.

In result, the Civil Revision Petition in C.R.P.No.2880 of 2013 is dismissed. The related C.R.P.Nos.2878 and 2879 of 2013 are allowed. No costs. Consequently, connected miscellaneous petition is closed.

25.04.2017

gms/maya

To

The District Munsif, Madurantakkam,
Kancheepuram

CRP(PD) Nos.2878 to 2880 of 2013