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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.03.2017**

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

C.R.P(PD) (MD)Nos.500 to 502 of 2017

and

C.M.P(MD)No.2359 of 2017

Sumathi

.. Petitioner/Petitioner/Defendant
in all C.R.Ps.

Vs.

Dhanabal

.. Respondent/Respondent/Plaintiff
in all C.R.Ps.

PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India against the fair and decretal orders dated 16.11.2016 passed in Interlocutory Application Nos.896, 897 and 898 of 2015 in Original Suit No.876 of 2014 by the Second Additional District Munsif Court, Tiruchirappalli.

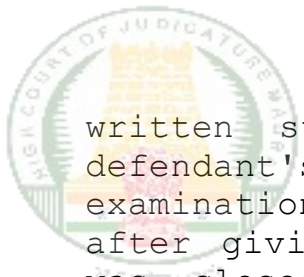
For Petitioner : Mr.R.Narayanan
in all C.R.Ps.

For Respondent : Mr.VR.Shanmuganathan
in C.R.Ps.500 &501/2017.

COMMON ORDER

The applications filed to reopen, recall and production of records, filed by the revision petitioner were dismissed by the Trial Court, on the ground that the said applications were filed belatedly after adequate opportunity was given for the revision petitioner to let in evidence on her behalf and it is only a delayed tactics adopted by the defendant. Aggrieved by the said orders, the revision petitioner has filed these Civil Revision Petitions under Article 227 of the Constitution of India alleging that the suit was posted for defendant's side evidence on 27.07.2015 and subsequently adjourned to 28.07.2015, 30.07.2015, 01.08.2015, 05.08.2015, 07.08.2015 and 11.08.2015. Since the defendant was sick and could not give instructions to the counsel, she could not file the applications to reopen and recall and production of documents. The Trial Court without considering the said fact, closed the defendant's side evidence and now the matter is posted for arguments. Unless an opportunity is given to the defendant to produce the documents listed in the application and recall D.W.1, her right cannot be established.

2. The learned counsel for the respondent submitted that the suit was filed in the year 2014 and the defendant filed her



written statement in November, 2014. After examination of defendant's side witness, the matter was adjourned for further examination of defendant's side witnesses from 27.07.2015 and after giving adequate opportunity, defendant's side evidence was closed and posted for

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arguments on 11.08.2015. Thereafter, the revision petitioner has taken out an application under Rule 76 of the Civil Rules of Practice for production of certain documents alleging that they are vital for her case. But those documents are neither vital nor relevant for the suit. Hence, the Trial Court has rightly dismissed the applications.

3.This Court has anxiously scrutinised the affidavit filed in support of the Interlocutory Application and the counter and found that the documents which are enlisted in the petition filed under Rule 76 of the Civil Rules of Practice, are not directly related to the issue in dispute, except the power of attorney alleged to have been executed by T.Ravindran, Son of Thangaraj, for which, the very execution is disputed by the defendant. But this document is not a public document and for production of the document, the revision petitioner need not have resorted to Rule 76 of the Civil Rules of Practice and furthermore the stage of seeking production of the document at the fag-end of the trial, when the matter is posted for arguments, also adds suspicion on the conduct of the defendant. Therefore, the Trial Court has rightly disallowed the applications. This Court finds no ground to interfere with the orders of the Trial Court under Article 227 of the Constitution of India. Hence, these Civil Revision Petitions are dismissed. Consequently, connected Miscellaneous Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Second Additional District Munsif,
Tiruchirappalli.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s. VR.SHANMUGANATHAN Advocate in SR. No.14967

+1cc to M/s.T.BANUMATHY Advocate in SR. No.14541

SMN

JS/MR/23.03.2017/2P-5C

COMMON ORDER MADE IN

C.R.P(PD) (MD) Nos.500 to 502 of 2017

and

C.M.P (MD) No.2359 of 2017

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