



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .Nos.990 & 991 of 2018 and
C.M.P. (MD) No.4332 of 2018

Kumaresan

... Revision Petitioner/Petitioner/
5th Defendant in both petitions

Vs.

1. Rani, W/o.George
2. Rani, W/o.K.C.Thangaraj
3. Franklin
4. Elangovan
5. Roche Kennady
6. Chelladurai
7. Denial Kipton
8. Rajagopal

.. Respondents 2 to 8/Respondents/
Defendants 1 to 4 & 6 to 8

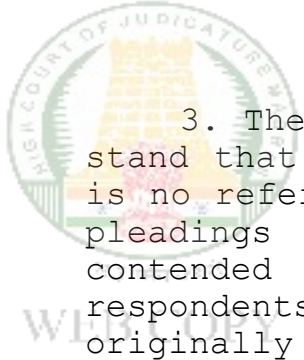
COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair order and decretal order passed in I.A.Nos.415 and 416 of 2017 in O.S.No.89 of 2007, dated 19.02.2018 on the file of the Additional District Munsif Court, Valliyur, by allowing these Civil Revision petitions.

(in both petitions)

For Petitioner	: Mr.P.Senthurpandian
For R-1	: Mr.V.Meenakshi Sundaram, for Mr.D.Nalla Thambi.
For R-2, R-3 & R-6 to R-8	: No appearance.

COMMON ORDER

The fifth defendant in O.S.No.89 of 2007 on the file of the learned Additional District Munsif, Valliyur, is the Revision petitioner herein. The suit is one for declaration and permanent injunction. The Revision petitioner herein filed two Interlocutory applications. One for reopening the suit and the other for reception of additional documents. Both the said applications were dismissed by the Court below by order dated 19.02.2018. Questioning the same, these Civil Revision petitions have been filed.



3. The Revision petitioner in his written statement had taken a stand that there is no Pucca building in the suit property. There is no reference to the documents now sought to be introduced in the pleadings filed by the Revision petitioner herein. In fact as contended by the learned counsel appearing for the contesting respondents herein, they may even tend to go against the stand originally taken by the Revision petitioner herein. Be that as it may, since they are public records, no prejudice will be caused by permitting them to be marked as evidence.

4. The order passed by the learned Additional District Munsif, Valliyur, in I.A.Nos.415 and 416 of 2017 in O.S.No.89 of 2007, dated 19.02.2018, is set aside. The Civil Revision petitions stand allowed, accordingly. However, it is made clear that this Court has not gone into the aspects of relevancy. It is open to the plaintiff to contest the relevancy of these documents at the time of arguments. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Additional District Munsif,
Valliyur.

+ 1 CC TO Mr.P.SENTHUR PANDIAN, ADVOCATE IN SR No. 83588
+ 1 CC TO Mr.D.NALLATHAMBI, ADVOCATE IN SR No. 83890

PMU
TE/SKN/SAR-4 : 13/11/2018 : 2P/4C

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