

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 02.04.2018****CORAM****WEB COPY****THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN**

C.R.P(MD).No.2488 of 2017 and
CMP(MD).nos.11728 of 2017 and 236 of 2018

R. Ramakrishnan

... Petitioner

Vs.

1. Bajrannglal Choudry
S/o.Basandlal Choudry,
No.11, Masilamanipuram 2nd Street,
Tuticorin Town, Tuticorin.
- 2.Piragalatha Chandratha Agarwala @ Choudry
rep. by his Power Agent,
Bajaranglal Choudry.
No.11, Masilamanipuram 2nd Street,
Tuticorin Town, Tuticorin.
- 3.Soorajmukhi Choudry
W/o.Basandlal Choudry,
No.11, Masilamanipuram 2nd Street,
Tuticorin Town, Tuticorin.
- 4.Twinkle Charitable Trust
rep. by its Managing Trustee, Indira
W/o.Suyambulingam,
Door No.5A/116, 1st Street,
Parvathi Nagar, Caldwell Colony,
Tuticorin Town.
- 5.Ramnaren
S/o.Santhanaraj,
Ramasamipuram 2nd Street,
Tuticorin District.
- 6.Muthulakshmi
D/o.Ramasamy,
Ramasamipuram 2nd Street,
Tuticorin Town,
Tuticorin District.

... Respondents



in I.A.No.655 of 217 in O.S.No.72 of 2010 on the file of the Additional District Munsif Court, Tuticorin.

For Petitioner ... Mr. R. Vijayakumar
For R1 to R4 ... Mr. C.T. Perumal
For R5 and R6 ... No appearance

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ORDER

The petitioner has filed the present Civil Revision Petition invoking Article 227 of the Constitution of India praying to set aside the order, dated 01.11.2017 made in I.A.No.655 of 217 in O.S.No.72 of 2010, on the file of the Additional District Munsif Court, Tuticorin.

2. The respondent Nos. 1 to 4, who are the plaintiffs, have filed a suit in O.S.No.72 of 2010 on the file of the Additional District Munsif Court, Tuticorin, for the relief of declaration of title and for permanent injunction. After completion of the arguments of both sides, the case was posted for Judgment on 20.10.2017. While so, the respondent Nos. 1 to 4 / plaintiffs have filed two Interlocutory Applications in I.A.Nos.655 and 656 of 2017 to re-open the case and to receive the additional documents and the said Applications were allowed by the learned Additional District Munsif, Tuticorin, on 01.11.2017, on payment of cost of Rs.500/- to the respondents / defendants in the above said Interlocutory Applications.

3. It is the case of the petitioner / first defendant that after hearing both sides, when the said suit was posted for Judgment on 20.10.2017, the respondent Nos.1 to 4 / plaintiffs have filed Interlocutory Applications to re-open the case and to receive the additional documents and also to mark the same and both the applications were allowed. Challenging the order passed in I.A.No.655 of 2017, the revision petitioner / first defendant has filed the present revision on the ground that though he has made objection for marking the documents sought for in the Interlocutory Application in I.A.No.655 of 2017, the Court should not reopen the case for further hearing.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent Nos. 1 to 4.

5. Both the parties have agreed that the application in I.A.No. 655 of 2017 has been filed only to mark the documents and not for any other purpose. Unless the case is re-opened, the said document should not be marked and the defendants should come for marking the documents. Therefore, I am of the view that the trial Court was right in allowing the application and the same needs no interference by this Court.



6. Accordingly, the Civil Revision Petition is dismissed confirming the order dated 01.11.2017 passed in I.A.No.655 of 2017 in O.S.No.72 of 2010, on the file of the Additional District Munsif Court, Tuticorin. No costs. Consequently, the connected Miscellaneous Petitions are closed.

7. The respondent Nos. 1 to 4 / plaintiffs are directed to mark the documents as per the direction issued by the Trial Court in I.A.No.655 of 2017 in O.S.No.72 of 2010. Further, it is made clear that the suit will be re-opened only for marking the documents alone and not for any other purpose and the parties could not raise any other points except marking of the documents. Further, the trial Court is directed to dispose of the suit in O.S.No.72 of 2010 within a period of one month, after marking the documents in question.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

The Additional District Munsif,
Tuticorin.

+ 1 cc TO Mr.R.Vijayakumar , Advocate in SR No. 59214

+ 1 cc TO Mr.C.T.Perumal , Advocate in SR No. 59172

trp

AE/SV MMS/SAR3/09.04.2018/3P/4C

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