



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2018

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) Nos.2582 to 2584 of 2017

and

C.M.P. (MD) Nos.11951 to 11953 of 2017

Gnanarajan

... Petitioner / Petitioner
/ Plaintiff
(In all petitions)

vs.

Ramalingam

... Respondent / Respondent /
Defendant
(In all petitions)

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders passed in I.A.Nos.453 to 455 of 2017, respectively, in O.S.No.217 of 2012 dated 25.07.2017 on the file of the learned Additional District Munsif, Valliyoor, Tirunelveli District.

For Petitioner : Mr.S.R.Anbarasu
For Respondent : Mr.S.P.Maharajan
(In all petitions)

COMMON ORDER

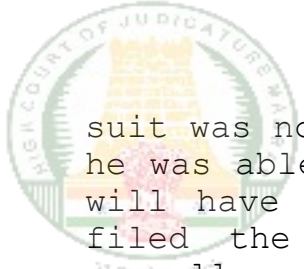
As the issue involved in all these cases are similar in nature, they are disposed of by way of this common order.

2. These Civil Revision Petitions have been filed to set aside the fair and decreetal order passed by the learned District Munsif, Valliyoor, Tirunelveli District, in I.A.Nos.453 to 455 of 2017, respectively, in O.S.No.217 of 2012 dated 25.07.2017.

3. The facts of the case are that the petitioner herein, as plaintiff, has filed the suit in O.S.No.217 of 2012, against the respondent herein/defendant for permanent injunction. During the course of the proceedings, the petitioner/plaintiff has filed the present three interlocutory applications praying to re-open the case; to re-call the petitioner/P.W.1; and to receive/mark one vital document dated 12.10.1913. The Court below, after hearing both the sides, by a common order dated 25.07.2017, has dismissed all the three interlocutory applications and challenging the same, the present civil revision petitions have been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Counsel for the petitioner would submit that the



suit was now posted for arguments and while preparing the arguments, he was able to trace out the document dated 12.10.1913. As the same will have a vital role in final adjudication of the suit, he has filed the present three interlocutory applications to re-open, re-call and to receive the document. Without appreciating the same, the Court below has erroneously dismissed the said applications and if no opportunity was given, the petitioner will be put to much prejudice and therefore, he prays for allowing the present revision petitions.

5. On the other hand, the learned Counsel appearing for the respondent would submit that plaintiff side evidence was closed on 18.06.2015; defendant side evidence was closed on 19.08.2015 and the suit was adjourned to 26.08.2015 for arguments. Thereafter, the matter was continuously adjourned for a period of two years at the instance of the petitioner/plaintiff. All of a sudden, the petitioner has now come up with the present plea and the Court below has rightly rejected the same, which does not deserve any interference by this Court. However, the learned Counsel for the respondent would fairly submit that the respondent is not having any serious objections to allow the impugned applications, provided that a direction may be issued to the Court below for early disposal of the suit proceedings, since the suit is of the year 2012 and the same is unnecessarily prolonged by the petitioner/plaintiff.

6. Heard the learned Counsel appearing on both sides and perused the documents placed on record.

7. Perusal of records would fortify the submissions made by the learned Counsel appearing for the respondent.

8. Considering the facts and circumstances of the case and also taking note of the submissions of the learned Counsel for the respondent, this Court is inclined to issue the following directions:-

"The impugned order dated 25.07.2017 is set aside and the petitions to re-open, re-call and to mark the document dated 12.10.1913 are allowed, with the following conditions:-

The petitioner is directed to mark the said document on or before 21.03.2018 and the respondent/defendant is at liberty to make his objections, if any, to the document proposed to be marked by the petitioner/plaintiff. If the petitioner does not take any steps to mark the document on or before 21.03.2018, the learned Judge shall proceed with the case, as if no order has been passed by this Court; and dispose of the suit within a period of four weeks



9. With the above directions, these Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Additional District Munsif,
Valliyoor,
Tirunelveli District.
2. The Section officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1cc to Mr.S.R.Anbarasu, Advocate SR.No.54273
+1cc to Mr.S.P.Maharajan, Advocate SR.No.53800
Gk
MK/SKN RSK/SAR-1/22.03.2018/3P/6C

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