



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P (MD) .Nos.139 and 140 of 2016

and

CMP (MD) .No.659 of 2016 in CRP (MD) .No.139 of 2016

S.Pandy ... Petitioner in both C.R.Ps.

Vs.

1.T. Vijaya

2.The District Collector,
Madurai District,
Madurai - 20

3.The Tahsildar,
Taluk Office,
Vadipatti,
Madurai District.

... Respondents in both C.R.Ps

Prayer: These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23.09.2015 passed in I.A.Nos.238 and 239 of 2015 in O.S.No.220 of 2012 on the file of the District Munsif - Cum-Judicial Magistrate, Vadipatti, Madurai District.

For Petitioner ...Mr.R. Lakshmanan in both CRPs

For respondents 2 & 3 ...M/s. V.P.M. Vaishnavi
Government Advocate in both CRPs

For R1 ... No appearance

COMMON ORDER

These Civil Revision Petitions have been filed against the fair and decreetal order, dated 23.09.2015, passed in I.A.Nos.238 and 239 of 2015 in O.S.No.220 of 2012 on the file of the District Munsif - Cum- Judicial Magistrate, Vadipatti, Madurai District.

2. Challenging the order passed in I.A.Nos.238 and 239 of 2015 in O.S.No.220 of 2012, the revision petitioner, who is the first defendant in the suit, has filed the present Civil Revision Petitions. The first respondent, who is the second plaintiff in



the suit, has filed the said Interlocutory applications to re-open the case and to file an additional documents and also to mark the same.

3. I have heard the learned counsel appearing for the petitioner and Mrs. V.P.M. Vaishnavi, learned Government Advocate appearing on behalf of the respondents 2 and 3. Even though the name of the first respondent is printed in the cause list, there is no representation on behalf of the first respondent.

4. Admittedly, in this case the first respondent, who is the 2nd plaintiff in the suit has filed the applications in I.A.Nos.238 and 239 of 2015, to re-open the case and to receive the additional documents and also to mark the same and the said applications were allowed by the Trial Court. This Court and the Hon'ble Apex Court very categorically held that for receiving the documents the other side should not make objection, but, they have right to make their objections at the time of marking the documents, either the xerox copy or original copy of the order. Therefore, I am of the view that the trial Court was right in allowing the applications and the same needs no interference by this Court.

6. Accordingly, these Civil Revision Petitions are dismissed by confirming the order, dated 23.09.2015 passed in I.A.Nos.238 and 239 of 2015 in O.S.No.220 of 2012, on the file of the the District Munsif - Cum- Judicial Magistrate, Vadipatti, Madurai District. However, the revision petitioner / who is the first defendant in the suit is given liberty to make his objection at the time of marking the documents. Further, the trial Court is directed to dispose of the suit in O.S.No.220 of 2012, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The District Munsif - Cum-
Judicial Magistrate, Vadipatti,
Madurai District.

<https://hcservicecourtdispositiveservicecollector,>
Madurai.



3.The Tahsildar,
Taluk Office,
Vadipatti, Madurai.

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