



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.2017 of 2016
and
C.M.P. (MD) No.9465 of 2016

Sathaiah

... Petitioner/Petitioner/plaintiff

-vs-

1.Karuppaiah
2.Ramasamy

... Respondents/Respondents/defendants

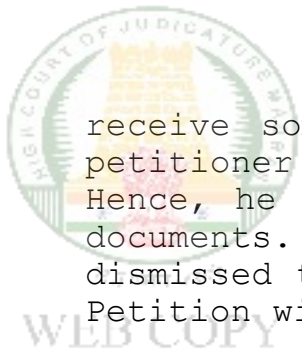
Prayer: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the fair and decreetal order in I.A.330 of 2016 in O.S.No.22 of 2010 dated 18.08.2016 on the file of the District Munsif Court, Aranthangi by allowing the Civil Revision Petition.

For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.N.Balakrishnan

O R D E R

The revision petitioner is the plaintiff in O.S.No.22 of 2010 on the file of the District Munsif Court, Aranthangi and in the suit, the plaintiff sought for the relief of declaration, permanent injunction, etc. The petitioner herein had filed I.A.Nos.689, 690 and 691 of 2015 for reopening his side, recall the P.W.1 witness and to receive the additional documents, respectively and the same are allowed. Thereafter, the petitioner had filed I.A.No.330 of 2016 on the file of the District Munsif Court, Aranthangi with the prayer to receive additional documents and the Trial Court, by order dated 18.08.2016, had dismissed the said application filed by the petitioner, on the ground that the petition was filed without proper reason in tardy stage and that the petitioner, for the very same prayer had already filed I.A.No.691 of 2015 and the same was allowed by the trial Court. Challenging the dismissal order, the petitioner is before this Court.

2. It is the case of the revision petitioner that the suit was filed for permanent injunction and the same was posted for recalling P.W.1. He further stated that the certified copies of judgment, decree and written statement of O.S.No.209 of 2005, filed by the petitioner herein, and the deposition of one Thangaraj have been received by the petitioner. Hence, he filed I.A.No.330 of 2016 to



receive some additional documents and if it is not received, the petitioner will be put into irreparable loss and untold hardship. Hence, he filed the above petition with the prayer to receive some documents. But the trial Court, without considering the same, dismissed the petition. Hence, he filed the present Civil Revision Petition with the aforesaid prayer.

3. The learned counsel for the respondents has contended that the petitioner had already filed a petition to submit additional documents in I.A.No.691 of 2015 and the same was allowed on 22.12.2015. Now, the present I.A.No.330 of 2016 has been filed to receive some more additional documents. Hence, the trial Court had dismissed the said application.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents. This Court also perused the material documents available on record.

5. It is the stand of the revision petitioner that some additional documents are required to be submitted before the learned Magistrate to defend his case. Hence, he filed a petition before the lower Court.

6. It is not in dispute that the Trial Court had dismissed the above petition stating that under Order VII Rule 14(3) C.P.C., a document which ought to be produced in Court by the plaintiff, when the plaint is presented or to be entered in the list to be added or annexed to the plaint by is not produced or entered accordingly, shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

7. In the result,

(a) this Civil Revision Petition is allowed and the order dated 18.08.2016 passed in I.A.No.330 of 2016 in O.S.No.22 of 2010 by the District Munsif Court, Aranthangi, is hereby set aside, subject to the condition that the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the respondents herein within a period of two weeks from the date of receipt of copy of this order;

(b) the District Munsif Court, Aranthangi, on production of the receipt in proof of payment of costs by the petitioner within the time limit prescribed by this Court, is directed to consider the petitioner's application within a period of two weeks thereafter and complete all the proceedings and dispose of the suit within a period of two months thereafter. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-

Assistant Registrar (CS-III)



To:

1. The District Munsif, Aranthangi.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.K.BAALASUNDHARAM, ADVOCATE IN SR No. 68910

TA

TE/SV/SAR-2 : 18/07/2018 : 3P/5C

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