



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (MD)No.1463 of 2013 (PD)

and

M.P. (MD)No.1 of 2013

Sarasam

... Petitioner

Vs.

1.Chellamma Nayagam

2.Ponnupillai

... Respondents

PRAYER: Petition filed under Section 227 of Constitution of India, to call for the records relating to the fair and decreetal order passed by Additional District Munsif, Eraniel in I.A.No.101 of 2013 in O.S.No.1 of 2011 dated 16.07.2013 and set aside the same.

For Petitioner	: Mr.K.P.Narayanakumar
For R1	: Exparte
For R2	: Mr.P.Senthil

ORDER

The plaintiff in the suit in O.S.No.1 of 2011 on the file of the Additional District Munsif, Eraniel, is the revision petitioner in the civil revision petition.

2.The brief facts that are necessary for the disposal of this civil revision petition are as follows:-

The revision petitioner filed a suit in O.S.No.101 of 2013 for declaration of title and for consequential permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suit property. After the evidence was closed, the revision petitioner filed the interlocutory application in I.A.No.101 of 2013 in O.S.No.1 of 2011 to re-open the case for the purpose of marking certain documents through Thadilshar concerned.

3.It is to be noted that in the affidavit filed in support of the petition, the petitioner has not given any particulars about the documents to be marked through Thasildar or about the relevance of documents. After closing the evidence, the parties in the suit cannot be permitted to let in further evidence by mere asking. After closing evidence, this petition was filed to re-open the case for the purpose of marking certain documents through Thasildar



concerned and from the affidavit, bonafide of the petitioner is not seen. However, it is stated that another petition is filed for production of records.

4.The learned counsel appearing for the petitioner states that he may be permitted to mark atleast 'A register' extract, dated 02.11.2015 to prove his case. The authenticity of the document namely, 'A Register' is not questioned. In such circumstances, the plaintiff can be given an opportunity to mark the certified copy of 'A Register', which will serve some purpose. However, the examination of the witness is confined only to mark the 'A Register'. The respondents may also be given an opportunity to let in further evidence if it is required, because of marking 'A Register' by order of this Court. The lower Court is directed to reopen the case in O.S.No.1 of 2011 only for the purpose of marking 'A Register' extract (certified) by examining the Tahsildar or by the plaintiff himself.

5.As a result, this civil revision petition is partly allowed as indicated above. The Lower Court is further directed to expedite the trial in O.S.No.1 of 2011, Additional District Munsif, Eraniel, and dispose of the suit, within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar(CS-III)

To

The Additional District Munsif, Eraniel,

+1 CC To MR.M.P.SENTHIL, Advocate SR. NO. 74085

+1 CC To MR.K.P.NARAYANA KUMAR, Advocate SR. NO. 74028

C.R.P.(MD)No.1463 of 2013 (PD)

and

M.P.(MD)No.1 of 2013

RMI

TR/SKN/SAR-III(18.09.2018)2P 4C