

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

**Civil Revision Petition No.529 of 2018**

**ORDER:**

Aggrieved by the order of the trial Court refusing to allow the defendant to receive the Market Value certificates as additional evidence, the defendant has come up with the above revision.

2. Heard Mr. S. Madhava Rao, learned counsel for the revision petitioner.

3. The respondent filed a suit in O.S.No.28 of 2006 for specific performance of an agreement of sale dated 09-07-2000. After the suit was taken up for trial after 11 years, the petitioner filed two applications, one in I.A.No.538 of 2017 and another in I.A.No.542 of 2017. In the first application, the petitioner/defendant wanted to mark the Market Value certificates relating to the suit schedule property, as of the year 2000 and as of the year 2017. In the second application, the petitioner wanted to file certified copies of a sale deed and a relinquishment deed.

4. The trial Court by a separate order passed in I.A.No.542 of 2017, allowed the petitioner to mark the sale deed and a relinquishment deed. But by another order, I.A.No.538 of 2017 was dismissed. Therefore, the defendant is before me.

5. The contention of the learned counsel for the revision petitioner is that when two applications were filed, under Order VIII Rule 1A (3) of the Code of Civil Procedure for filing two different sets of documents, the trial Court need not have dismissed one application, even while allowing another. Once one set of documents

are permitted to be marked, no prejudice will be caused by allowing the petitioner to mark the other set of documents. In addition, it is also submitted by Mr. S. Madhava Rao, learned counsel for the revision petitioner, that in the cross-examination, the plaintiff gave a very evasive reply about the market value. Therefore, it was necessary to prove the market value.

6. I have carefully considered the above submissions.

7. In a suit for specific performance, the fact that the market value has increased drastically, is not a matter of consideration, except where time is claimed to be the essence of the contract and within the time stipulated something drastic has happened. There is no proof required at all to show that the property value should have gone up in a period of 17 years. Therefore, the dismissal of the application in I.A.No.538 of 2017 cannot be found fault with.

8. As a matter of fact, the Court below has accommodated fairly, in allowing one application, since the same related to a sale deed and a relinquishment deed. In the other application, what is sought to be proved is the market value of the property in 2017 that was agreed to be sold in the year 2000. Therefore, I find no justification to interfere with the order of the trial Court.

Hence, the Civil Revision Petition is dismissed. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

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**V. RAMASUBRAMANIAN, J**

Date: 02-02-2018  
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