

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD).Nos.722 to 724 of 2015

and

M.P.No.1 of 2015

R.Narayanasamy,
S/o.Mr.Ramakrishna Naidu,
Kottaipalayam,
Kondiampalayam Village,
Vyampalayam Via.,
Coimbatore North Taluk,
Coimbatore District.

... Petitioner in all the CRPs

Vs.

1.Mrs.S.Silambathal,
W/o.Late Somasundaram,
Kondiampalayam Majura,
Kottaipalayam, Coimbatore North Taluk,
Coimbatore District.

2.Mr.A.Ramasamy,
S/o.Late Aara Goundan alias Aaran,
Kondiampalayam Majura,
Kottaipalayam, Coimbatore North Taluk,
Coimbatore District.

... Respondents in all the CRPs

Prayer in CRP.(PD).No.722 of 2015:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 22.12.2014 made in I.A.No.806 of 2014 in O.S.No.2390 of 2007 on the file of the III Additional District Munsif, Coimbatore.

Prayer in CRP.(PD).No.723 of 2015:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 22.12.2014 made in I.A.No.807 of 2014 in O.S.No.2390 of 2007 on the file of the III Additional District Munsif, Coimbatore.

Prayer in CRP.(PD).No.724 of 2015:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 22.12.2014 made in I.A.No.808 of 2014 in O.S.No.2390 of 2007 on the file of the III Additional District Munsif, Coimbatore.

For Petitioner : Mr.R.Bharath Kumar (in all the CRPs)

For Respondents : Mr.R.Venkatesulu (in all the CRPs)

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decreetal order dated 22.12.2014 made in I.A.Nos.806 to 808 of 2014 in O.S.No.2390 of 2007 on the file of the III Additional District Munsif, Coimbatore.

2.Heard Mr.R.Bharath Kumar, learned counsel for the petitioners and Mr.R.Venkatesulu, learned counsel for the respondents.

3.The plaintiff in O.S.No.2390 of 2007 is the petitioner before this Court. The petitioner/plaintiff filed I.A.No.806 of 2014 to reopen the case, I.A.No.807 of 2014 to recall PW1 to give further evidence and I.A.No.808 of 2014 to produce documents. All the above Interlocutory Applications were

dismissed on 22.12.2014 by the III Additional District Munsif, Coimbatore, against which the present Civil Revision Petitions are filed.

4.The learned counsel appearing for the petitioner would submit that the petitioner/plaintiff filed a suit in O.S.No.2390 of 2007 for permanent injunction restraining the defendants. The respondents along with one Mr.Ramakrishnan also filed a suit in O.S.No.2392 of 2007 for permanent injunction with regard to the very same property. At the time of argument the petitioner herein filed the above said Interlocutory Applications in O.S.No.2390 of 2007. By allowing these Civil Revision Petitions, no prejudice will be caused to the respondents and even if the said documents are marked, the trial Court shall independently consider the title in respect of the property.

5.The learned counsel appearing for the respondents would submit that the suit is filed in the year 2007 and the impugned applications are filed in the year 2014 and the documents which are sought to be marked are secured by the petitioner after filing the suit, that too in the year 2013-2014, which cannot be allowed to be marked and if the documents are allowed to be marked, the entire cause of action will be changed.

M.DHANDAPANI, J.

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6.This Court perused the list of documents sought to be marked in I.A.No.808 of 2014. It reveals that the petitioner intends to mark the documents relating to the year 2011, 2013 & 2014 and the trial Court rightly dismissed the Interlocutory Applications. Subsequent documents cannot be marked to establish the claim made in the Suit. Hence, I am not inclined to interfere with the order passed by the Court below. However, this Court is not expressing any opinion with regard to the merits of the Suit.

7.Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

09.04.2019

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

The III Additional District Munsif,
III Additional District Court,
Coimbatore.

C.R.P.(PD).Nos.722 to 724 of 2015