

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.03.2019

Coram:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.R.P.(PD)No.4249 of 2013
and M.P.No.1 of 2013

Ramadhayalan

..

Petitioner

versus

1.Vimala

2.Ulaganathan

3.Chakrapani

..

Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the order dated 21.08.2013 made in I.A.No.297 of 2013 in O.S.No.216 of 2009 on the file of the learned Additional District Munsif, Chidambaram.

For Petitioner : Mr.S.Sadasharam

For Respondent Nos.1 & 2 : No Appearance

For Respondent No.3 : Given up

ORDER

The Civil Revision Petition has been filed as against the order of the trial Court in dismissing the application filed by the plaintiffs to reopen the case for filing the revenue records.

2. The above application has been dismissed by the trial Court on the ground that the application has been filed at the time of argument stage.

3. The suit itself filed for permanent injunction, when the parties evidence are over, the plaintiffs filed an application to reopen the case to file additional documents with the public records, namely, Adangal, Chitta and FMB. The above application has been objected by the respondents and hence, the trial Court has dismissed the application. As against which, the present revision is filed.

4. The learned counsel appearing for the petitioner would contend that those documents are vital for the case but the trial Court has dismissed the application with technical ground.

5. There is no representation on behalf of the respondents 1 and 2 despite their names printed in the cause list.

6. I have perused the order of the trial Court. At the fag end of trial, an application has been filed by the plaintiffs to file the public records, namely, Adangal, Chitta and FMB. However, the trial Court has dismissed the application mainly on the ground that the evidence has already been over. Since the suit itself for permanent injunction, it will have an effect to decide the rights of the parties, I am of the view that to establish their substantial rights, the public records have to be filed by the plaintiffs. Therefore, the order of the trial Court passed in I.A.No.297 of 2013 in O.S.No.216 of 2009 dated 21.08.2013 is hereby set aside

7. In the result, the Civil Revision Petition is allowed. The trial Court is directed to dispose of the suit within a period of one month from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petition is closed. No costs.

22.03.2019

Speaking Order/Non Speaking Order

Index : Yes / No

Internet : Yes

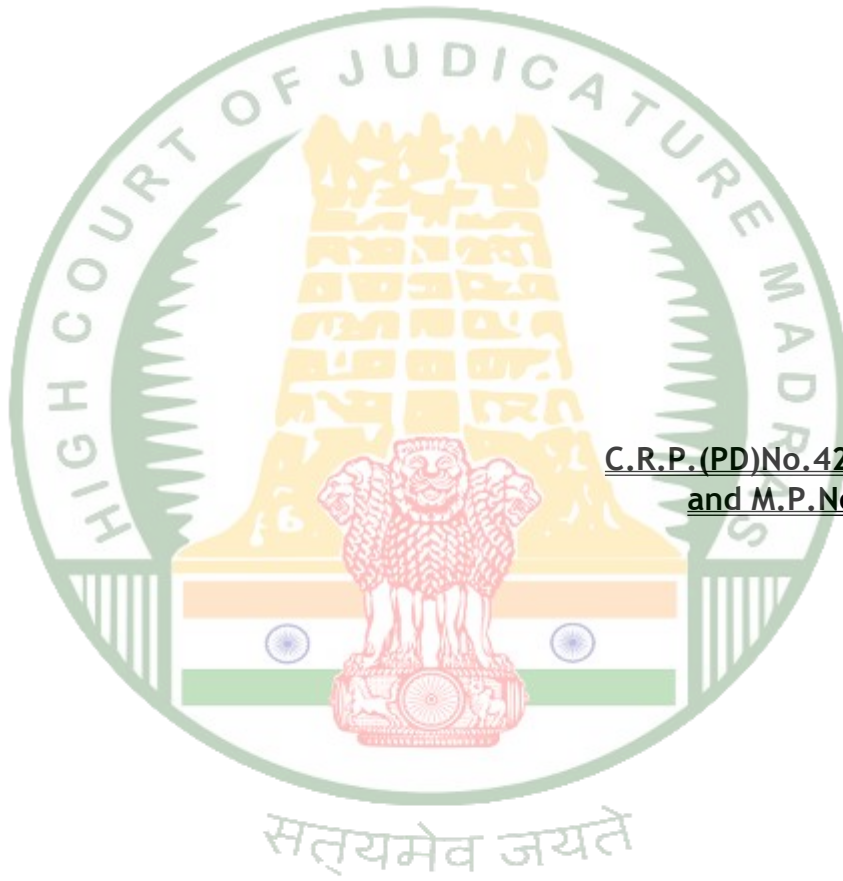
Note : **Issue Order Copy on 27.03.2019**

sri

To

The Additional District Munsif,
Chidambaram.

N.SATHISH KUMAR, J.,
sri



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