

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.No.4827 of 2013
and M.P.No.1 of 2013

M.Surendran

... Petitioner/Plaintiff/Petitioner

Vs.

The Executive Engineer,
Tamil Nadu Housing Board,
Power House Road,
Villupuram.

... Respondent/Defendant/Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 20.11.2013 made in I.A.No.858 of 2013 in O.S.No.247 of 2011 on the file of the Principal District Munsif Court, Villupuram.

For Petitioner : Mr.R.Rajaramani

For Respondent : Mr.M.R.Sivakumar

O R D E R

Challenging the fair and final order passed in I.A.No.858 of 2013 in O.S.No.247 of 2011 on the file of the Principal District Munsif Court, Villupuram, the plaintiff has filed the above Civil Revision Petition.

2.The plaintiff filed the suit in O.S.No.247 of 2011 for permanent injunction. The defendant filed their counter and are contesting the suit.

3.When the suit was taken up for trial, the plaintiff took out an application in I.A.No.858 of 2013 to produce additional documents. In the affidavit filed in support of the petition, the plaintiff has stated that he came into possession of the documents viz., the electricity card, house tax card, electricity bills only recently and therefore, he could not produce the documents at the time of the trial. The application filed by the plaintiff was opposed by the defendant stating that the documents sought to be marked are subsequent to the filing of the suit and they should not be allowed to be marked. The trial Court, taking into consideration the case of both parties, dismissed the application finding that the documents are subsequent to the filing of the suit.

4. Admittedly, the suit was filed in the year 2011 and the documents sought to be produced as additional documents are of the years 2012 and 2013. Since the documents are subsequent to the filing of the suit, the plaintiff cannot establish the claim made in the plaint by producing the subsequent documents. The plaintiff has to establish his possession on the date of filing of the suit and not after the filing of the suit. The order passed by the trial Court is just and proper. I do not find any ground to interfere with the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed.

5. The learned counsel appearing for the respondents submitted that trial Court may be directed to dispose of the suit within a time frame.

6. In view of the prayer made by the learned counsel for the respondent, since the suit is of the year 2011, I direct the Principal District Munsif, Villupuram to dispose of the suit in O.S.No.247 of 2011, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

va

To

1. The Principal District Munsif Court, Villupuram.

2. The Executive Engineer,
Tamil Nadu Housing Board,
Powerhouse Road,
Villupuram.

+1cc to Mr.V.R.Annagandhi, Advocate SR.86916

+1cc to Mr.M.R.Sivakumar, Advocate SR.86846

C.R.P.No.4827 of 2013
and M.P.No.1 of 2013

VBA (CO)
CB (18/11/2019)