

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P (PD).No.2186 of 2014

and

M.P.No.1 of 2014

Jothi

.. Petitioner

vs

1.Alamelu
2.Rajamanickam
3.Bharathidasan
4.Soundararajan

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Fair and Decreetal order dated 25.03.2014 made in I.A.No.241 of 2014 in O.S.No.69 of 2012 on the file of the Additional District Munsif, Chengam.

For Petitioner : Mr.R.Arundattan for Mr.C.Munusamy

For Respondents : No appearance

ORDER

The petitioner has filed the present Civil Revision Petition against order against the Fair and Decreetal Order dated 25.03.2014 in I.A.No.241 of 2014 in O.S.No.69 of 2012 passed by the Additional District Munsif, Chengam.

2. The petitioner is the plaintiff in O.S.No.69 of 2012 before the Additional District Munsif, Chengam. The suit was filed for declaration of petitioner's title and for consequential permanent injunction to restrain the respondents/defendants from interfering with the peaceful possession and enjoyment of the suit properties.

3. Thereafter, the petitioner/plaintiff had filed I.A.No.241 of 2014 under Order VII Rule 14 (3) and Section 151 of C.P.C to receive additional document. The said application was contested by the respondents/defendants. After the enquiry, the Court has dismissed the said application with costs on 25.03.2014.

4. Aggrieved by the same, the petitioner/plaintiff has preferred the present Civil Revision Petition.

5. Though names of the respondents/defendants is printed in the cause list, there is no representation on their behalf. The Interlocutory Application was filed for marking additional document at the stage of trial. The case was in the stage of cross-examination of PW1.

6. Mere marking of the documents by itself will not decide the issue one way or the other. These documents will be subject to admissability proof and relevancy which will be considered by the Court at the time of final arguments. No prejudice would be caused if the documents are marked. Consequently, the Civil Revision Petition is to be allowed by setting aside the order passed in I.A.No.241 of 2014.

7. Accordingly, the Civil Revision Petition is allowed with the following directions:

i) The impugned order passed in I.A.No.241 of 2014 in O.S.No.69 of 2012 by the Additional District Munsif Court, Chengam is hereby set aside;

ii) The Additional District Munsif Court, Chengam is directed to permit marking the additional document subject to admissability proof and relevancy in accordance with law.

iii) The Additional District Munsif, Chengam is also directed to dispose the suit in O.S.No.69 of 2012 within a period of nine months from the date of receipt of a copy of this order.

C.SARAVANAN,J.

arb

8. No costs. Consequently, the connected Miscellaneous Petition is also closed.

30.04.2019

arb/jen

Index: Yes/ No

Internet : Yes/No

Speaking/Non-speaking Order

To

1. The Additional District Munsif Court,
Chengam.

2. The Section Officer,
V.R. Section, High Court, Madras.

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