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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

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THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP(MD) .No.452 of 2019 (PD)

and

C.M.P. (MD) .No.2293 of 2019

Khadarsha

... Petitioner/Petitioner/Defendant

Vs.

Pappayee

... Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 26.09.2018 passed in I.A.No.149 of 2018 in O.S.No.29 of 2013 on the file of the District Munsif cum Judicial Magistrate Court, Thiruppathur.

For Petitioner : Mr.N.Rahamadullah

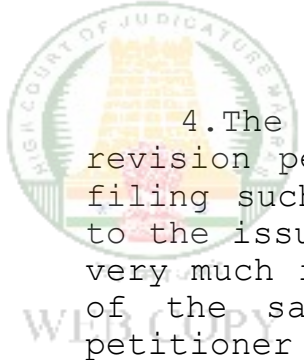
For Respondent : No appearance

O R D E R

This Civil Revision Petition has been preferred against the fair and decreetal order dated 26.09.2018, passed in I.A.No.149 of 2018, in O.S.No.29 of 2013, on the file of the District Munsif cum Judicial Magistrate Court, Thiruppathur.

2.The revision petitioner, who is the defendant in the suit in O.S.No.29 of 2013, has filed I.A.No.149 of 2018 and contended that the said case was posted for examination on his side and there are certain important documents which are related to the period 21.07.1913 and 28.08.1975 and he got it very late and those documents are very much necessary to prove his case and hence, the petitioner filed the present I.A., to recall the evidence himself to mark those documents during examination.

3.The respondent/plaintiff has filed a counter statement stating that the petitioner/plaintiff has not mentioned anything about the said documents in the written statement and on 09.08.2017 he has filed a list of documents wherein he has not mentioned about those documents. Hence, the purpose of filing this petition is only to delay on the proceedings of the case and also to give mental agony.



4.The trial Court, after observing the contention made by the revision petitioner and the status of the case and the purpose of filing such petition and that how far these documents are relevant to the issue involved in the suit and how far the said documents are very much related to the suit property and what are all the details of the said documents and these facts are not stated by the petitioner in the I.A., has dismissed the said I.A. Aggrieved against the said order, the defendant has filed the present Civil Revision Petition.

5.On a perusal of the records, it is observed that in the absence of any details, how far these documents are very much essential to the suit and also the particulars of the documents have not been stated in the said petition. The petitioner has not furnished any details regarding the filing of the earlier petition in the year 2017 as well as the another application in the year 2018, when the case is posted for examination on the side of the defendant. The relevancy of the said documents, the necessity for filing such documents and the details of the documents are also not furnished. Hence, the order of the trial Court is very much reasonable and does not warrant any interference.

6.In the result, this Civil Revision Petition is dismissed with cost of Rs.1,000/- (Rupees one Thousand only) to be payable to the credit of the Hon'ble Chief Justice Relief Fund of this Court, within a period of one week from the date of receipt of a copy of this order. The said amount shall be paid by the petitioner within the time stipulated above. Consequently, the connected miscellaneous petition is closed.

7.However, since the suit is of the year 2013, the trial Court is directed to proceed with the case and dispose the same at the earliest.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS)

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To

1.The District Munsif cum Judicial Magistrate,
Thiruppathur.

2.The Record Keeper, VR Section,
Madurai Bench of Madras High Court,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai. (2 copies)

**Copy To:**

The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

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