



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.06.2019
CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WEB COPY

C.R.P (MD) (PD) Nos.782 and 783 of 2019
and
C.M.P (MD) Nos.4831 and 4832 of 2019

1.R.V.Srinivasan
2.Dr.R.V.Giry @ Velliangiri
3.S.Ramanagopal
4.R.V.Thiagarajan .. Petitioners/Petitioners/
Plaintiff in both CRPs.

Vs.

1.P.Suseela
2.P.Sudhakar .. Respondents/Respondents/
Defendants in both CRPs.

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India against the fair and decreetal orders dated 21.02.2019 made in I.A.Nos.720 and 721 of 2018 in O.S.No.422 of 2015 by the Second Additional Sub Court, Tiruchirappalli.

For petitioners : Mr.V.Sitharanjandas
in both CRPs.

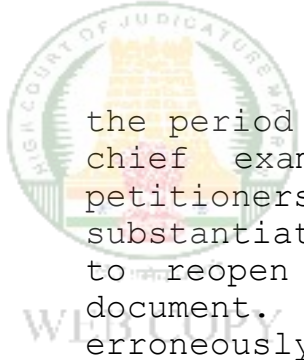
For Respondents : Mr.R.Subramanian
in both CRPs.

COMMON ORDER

Against the dismissal of petitions seeking to reopen the suit and recall P.W.1, these revisions have been filed.

2.The petitioners / plaintiffs filed O.S.No.422 of 2015 for the relief of delivery of possession and also for the consequential relief of permanent injunction in respect of the suit properties. When the suit was posted for arguments, the petitioners / plaintiffs filed petitions seeking to reopen the suit for further examination of P.W.1 and to recall P.W.1 for marking of the documents on the side of the petitioners / plaintiffs. The Court below dismissed both the petitions, against which, the present revision petitions have been filed.

3.The learned counsel for the petitioners / plaintiffs would submit that the petitioners already filed the Adangal Extract from Fasali 1415 onwards alongwith the plaint. The Adangal Extract for



the period prior to the said Fasali was applied during the course of chief examination of P.W.1 and the same was issued to the petitioners only in the month of November, 2017. In order to substantiate their claim, they filed the present petitions seeking to reopen the plaintiffs' side evidence and to mark the said document. The Court below without considering the same, has erroneously dismissed the petitions. Thus, he prayed to set aside the orders passed by the Court below.

4.The learned counsel for the respondents / defendants would submit that since the petitioners / plaintiffs obtained the document in the month November, 2017, they could have filed the same much earlier, but they have filed the present petitions belatedly to drag on the proceedings. Thus, he prayed to dismiss the revisions.

5.The learned counsel for the respondents / defendants would further submit that the petitioners / plaintiffs have not filed any application for receiving the documents under Order VII, Rule 14 of CPC.

6.Heard the learned counsel for the parties and perused the materials available on record.

7.Perusal of records would show that the trial was commenced on 22.12.2016. The first plaintiff himself was examined as P.W.1 on 25.01.2018 and cross-examination was completed on 08.01.2018. The plaintiffs' side evidence was closed on 25.01.2018. The petitioners / plaintiffs filed the present petitions seeking to reopen their side evidence and to recall P.W.1 for marking Adangal Extract for the suit property. It is seen that the Adangal Extract is a Government document and therefore, there can be no impediment for the learned Judge to allow the petitioners / plaintiffs to mark the same by way of recalling P.W.1. But, the learned Judge has erroneously dismissed the petitions. Considering the fact that the document to be marked, is a Government document and also in the interest of justice, this Court is inclined to set aside the impugned orders passed in I.A.Nos.720 and 721 of 2018 in O.S.No.422 of 2015 by the Court below and the matter is remanded back to the Court below. The learned Judge shall re-open the plaintiffs' side evidence for further examination of P.W.1 and also recall P.W.1 for marking the Adangal Extract. It is also represented on the side of the respondents / defendants that the petitioners / plaintiffs have not filed a petition to receive the documents, under Order VII, Rule 14 of CPC. Considering the above submissions, the petitioners / plaintiffs are directed to file a petition to receive the documents under Order VII, Rule 14 of CPC, within a period of one week from the date of receipt of a copy of this order and the learned Judge is directed to pass orders on the petitions within a further period of two weeks thereafter by giving opportunity to the respondents. The learned Judge is also directed to dispose of the main suit in O.S.No.422 of 2015 within a period of eight weeks, thereafter. Both the parties are directed to cooperate with the Court below for early disposal of the suit.



8.The Civil Revision Petitions are allowed on the above terms.
No costs. Consequently, connected miscellaneous petitions are also
closed.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Second Additional Sub Judge,
Tiruchirappalli.

2.The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2copies)

+1cc to Mr.R.SUBRAMANIAN,Advocate, SR.No.72111

+1cc to Mr.V.SITHARANJAN DAS ,Advocate, SR.No. 71865

smn

COMMON ORDER MADE IN
C.R.P(MD)Nos.782 and 783 of 2019
27.06.2019

NA (02.08.2019) 3P : 6C