



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2019

CORAM :

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP(MD) Nos.2748 & 2749 of 2018

and

C.M.P. (MD) No.12012 and 12013 of 2018

Renuga Sabanayagam

... Petitioner/Respondent/Plaintiff

in both C.R.Ps.,

vs.

Vijayarajan

... Respondent/2nd Petitioner/2nd Defendant

in both C.R.Ps.,

COMMON PRAYER:- Civil Revision Petitions filed the under Article 227 of the Constitution of India, to set aside the fair and executable order dated 01.11.2018 passed in I.A.Nos.951 & 952 of 2018 in O.S.No.129 of 2014 on the file of the VI Additional District Judge, Madurai.

For Petitioner

in both C.R.Ps., : Mr.V.Ramakrishnan

For Respondent

in both C.R.Ps., : Mr.R.Vijayakumar

COMMON ORDER

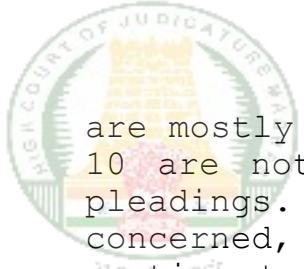
These Civil Revision Petitions have been filed to set aside the order dated 01.11.2018 passed in I.A.Nos.951 & 952 of 2018 in O.S.No.129 of 2014 by the learned VI Additional District Judge, Madurai.

2.Before the trial Court, the petitioner herein is the plaintiff and the respondent herein is the second defendant. For the sake of convenience, the parties will be referred to as per their rank before the trial Court.

3.I.A.Nos.951 and 952 filed by the second defendant to file certain documents. The second defendant contended that he was examined as D.W1 and certain documents were sought by the learned counsel for the plaintiff for the purpose of knowing the income of one Kamalai Thiyagarajan and other reliefs and hence, he has to file those documents to establish the case. Hence, those I.As., have been filed by the second defendant to re-call the evidence of D.W1.

4.On the side of the second defendant, evidence was also closed. Hence, re-calling the second defendant for the purpose of producing said documents, was sought for.

5.The plaintiff in his counter statement contended that the documents, which are now seeking by the second defendant to produce,



are mostly irrelevant and not admissible. The document numbers 4 to 10 are not at all relevant and they are in no way supported by pleadings. Insofar as document numbers 12 and 18 to 22 are concerned, they are not relating to the suit properties or the parties to the suit. But the said documents are relating to the business of plaintiff's husband. Hence, strong objection was made for recalling the evidence of D.W1 and for receiving the said documents.

6.The trial Court observed the contention raised on either side and also observed that it is a partition suit and regarding partition, the documents filed by the 2nd defendant were questioned by the plaintiff and hence, the necessity arises to the 2nd defendant to file those documents by recalling the evidence of D.W1.

7.Further, the case was also proceeded by way of examining the parties and the only reason placed by the second defendant is that the documents were filed very belatedly and no explanation has been stated by the second defendant regarding the relevancy of the documents filed by the plaintiff. Hence, considering the nature of the suit and the relief sought by the second defendant, the said documents are very much essential and hence, the trial Court allowed the said I.As.

8.Heard the learned counsel on either side.

9.The said documents were filed only at the instance of the second defendant and it is for the plaintiff and the second defendant to prove the same before the trial Court regarding the relevancy and also the admissibility of the said documents. Hence, by way of filing the present Civil Revision Petition, the parties have been put to lot of inconvenience and hence, it is for the trial Court to arrive at a decision regarding the relevancy and the admissibility of the said documents.

10.In view of the above, the order dated 01.11.2018 passed in I.A.Nos.951 & 952 of 2018 in O.S.No.129 of 2014 by the learned VI Additional District Judge, Madurai, is very much reasonable, which does not warrant any interference of this Court. The parties are at liberty to prove their case before the trial Court.

11.These Civil Revision Petitions are disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

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To மேலும் உரிமை

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The VI Additional District Judge,
Madurai.

1 CC to M/s.V.RAMAKRISHNAN, Advocate (SR-55585[F] dated
21/03/2019)

+1 CC to M/s.R.VIJAYAKUMAR, Advocate (SR-55740[F] dated
21/03/2019)

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