



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P (MD) Nos.795 to 797 of 2019

and

CMP (MD) No.4880 of 2019

WEB COPY

- 1.P.D.P.Chinnadurai
- 2.P.D.P.Mohan
- 3.P.D.P.Stephen Subburaj
- 4.P.D.P.Velsraja

...Petitioners / Petitioners/
Plaintiffs in all the CRPs

Vs.

- 1.T.Lakshmanan
- 2.P.D.P.Sekar

... Respondents / Respondents /
Defendants in all the CRPs

COMMON PRAYER: Civil Revision Petitions are filed, under Article 227 of the Constitution of India, against the fair and decreetal order dated 28.03.2019 made in I.A.Nos.670 to 672 of 2018 in O.S.No.72 of 2013 on the file of the Additional District Munsif Court, Valliyoor, respectively.

For Petitioners	
in all the CRPs	: Mr.A.Arumugam
For R-1 in all	
the CRPs	: Mr.G.Aravinthan

C O M M O N O R D E R

These Civil Revision Petitions have been filed challenging the fair and decreetal order dated 28.03.2019 made in I.A.Nos.670 to 672 of 2018 in O.S.No.72 of 2013 on the file of the Additional District Munsif Court, Valliyoor, respectively.

2.The I.A.No.670 of 2018 in O.S.No.72 of 2013 was filed to recall P.W.1 for the purpose of marking of the Xerox copy of the order passed in settlement proceedings. The I.A.No.671 of 2018 in O.S.No.72 of 2013 was filed to receive the documents mentioned in the accompanying petition. The I.A.No.672 of 2018 in O.S.No.72 of 2013 was filed to permit the petitioners to mark and give evidence regarding the documents mentioned therein. After hearing the submissions advanced by both sides, the Court below dismissed all these applications in a common order dated 28.03.2019. Aggrieved by the same, the revision petitioners have filed the present Civil



Revision Petitions. The documents, which the revision petitioners wanted to mark, are as follows:-

- "(1).Patta proceedings RTR / 10245 / 2012 given by Tahsildhar, Radhapuram as per Na.Ka.Aa3 / 766 /2018.
- (2).Letter dated 09.08.2018 along with its proceedings dated 19.07.2000 of District Land Survey Office, Tirunelveli.
- (3).Letter dated 06.12.2013 from Office of Deputy Land Tax Scheme Officer (South) (Incharge), Chepauk, Chennai - 5 along with letter dated 26.11.2013.
- (4).Original Will dated 27.04.2011.
- (5).Death Certificate of late VelsayPandian.
- (6). 'A' Register copy before U.D.R.Scheme."

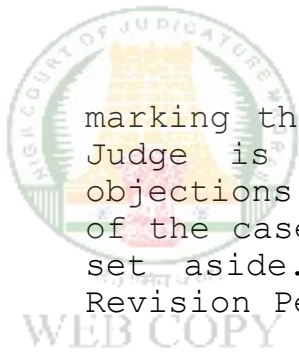
3.According to the revision petitioners those are all the documents relating to the partition before the filing of the suit and therefore, these documents are relevant to decide the present suit, but he was not able to produce the same before the Court below at the time of filing the suit, since the same were under the custody of the vendor. Since all the proceedings were initiated earlier by the vendor, it was in the name of the vendor and therefore, the revision petitioner would contend that it is relevant for the present case.

4.On the other hand, the learned counsel for the first respondent would contend that these are all the documents of the years 2013 and 2018, which are post filing of the suit and that the question of possession of the vendor does not arise and therefore, the Court below has rightly dismissed the applications filed by the revision petitioners herein.

5.Heard the learned counsel for the revision petitioners and the learned counsel for the first respondent and also perused the materials available on record.

6.On perusal of all the above documents, it appears that the documents are relating to prior to the filing of the suit. Since the proceedings have been initiated by the vendor, the revision petitioners were not able to file the same at the time of filing the present suit. However, this Court is of the opinion that, to decide the question whether the present documents are relating to the present suit and was not able to file by the plaintiff at the time of filing the suit due to the reason that it was kept under the custody of the vendor or whether he applied for the documents before various authorities and obtained the same after filing of the suit, all these issues have to be decided by the Court below when the final decree has been passed.

7. Therefore, this Court permits the revision petitioner to mark six documents mentioned in para-2 above and in such case, the revision petitioner is permitted to make all objections at the time of



marking the documents before the trial Court and the learned trial Judge is directed to record all the objections and the said objections may be considered at the time of final hearing on merits of the case. Therefore, the order of the Court below is liable to be set aside. Accordingly, the same is set aside and these Civil Revision Petitions are allowed with the above directions.

8.The suit is of the year 2013 and it is filed for declaration and for permanent injunction. Therefore, as per the Judicial Notification No.C-5 CAS/2007 Tamil Nadu Case Flow Management in Subordinate Courts/Rules 2007, the suit should be disposed of within a period of two months. But, as per the said Notification, the same has not been disposed of till date.

9.Considering the facts and circumstances of this case and also in view of Judicial Notification No.C-5 CAS/2007 Tamil Nadu Case Flow Management in Subordinate Courts/Rules 2007, the learned Additional District Munsif, Valliyoor, is directed to dispose of O.S.No.72 of 2013, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

rj2

To

The Additional District Munsif Court,
Valliyoor.

+3 CC to M/s.G. ARAVINTHAN, Advocate SR-90736, 90737 & 90738.

+1 CC to M/s.A. ARUMUGAM, Advocate SR-91118.

**Order made in
C.R.P (MD) Nos.795 to 797 of 2019
30.09.2019**

CS (31.10.2019) 3P 6C