



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2019

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) Nos.1292, 1293 and 1294 of 2019

and

C.M.P (MD) No.7099 of 2019

M.Amsavalli ...Petitioner/Petitioner/Plaintiff
in all the petitions

VS

1.S.Ganeshan
2.S.Panju
3.P.Kumaresan ...Respondents/Respondents/Respondents
in all the petitions

COMMON PRAYER: These Petitions have been filed under Section 227 of Constitution of India, against the order dated 03.06.2019 made in I.A.Nos.139, 140 and 141 of 2019 in O.S.No.145 of 2019 on the file of the Sub Court, Melur.

For Petitioner : Mr.K.P.Ramesh
in all the petitions

COMMON ORDER

These Civil Revision Petitions have been filed against the order dated 03.06.2019 made in I.A.Nos.139, 140 and 141 of 2019 in O.S.No.145 of 2019 on the file of the Sub Court, Melur.

2.The revision petitioner as plaintiff filed a suit in O.S.No.145 of 2019 for specific performance to enforce the alleged sale agreement executed by respondent Nos.1 and 2 in favour of the plaintiff. According to the third respondent, he had purchased a portion of the suit property from the first and second respondents for a valid consideration and he is in possession of that property from the date of sale deed. In this circumstance, pending suit, the petitioner filed the interlocutory applications in I.A.Nos.139, 140 and 141 of 2019 respectively, to reopen the case and to recall the petitioner for marking some additional documents.

3.After hearing both sides, the Trial Court dismissed the interlocutory applications holding that the petitioner has not pleaded anything about those documents in the plaint and the said additional documents are not relevant to decide the issues involved in the case. Aggrieved by the dismissal of the interlocutory applications, the petitioner has come up with the present revision petitions.



4.The learned counsel for the revision petitioner contended that the sale deed has been executed by the first and second respondents on 28.03.2016, but the petitioner came to know that the first and second respondents executed the sale deed only 612 sq.ft instead of 646 sq.ft. Hence, the petitioner filed the suit against the respondents for execution of the remaining 34 sq.ft. as per sale agreement. In order to decide the case, the additional documents are necessary, but the learned trial Judge has erroneously dismissed the interlocutory applications. Hence, he prays to allow these petitions.

5.I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

6.Perusal of the records show that the petitioner has not pleaded anything about that document in the plaint. He has also not explained why those documents were not produced at the stage of adducing evidence. The learned trial Judge has observed the fact that those documents are not relevant to decide the issues involved in the suit as the suit is one for specific performance. It is also seen that the case is in the stage of arguments. This Court is of the view that when the matter was posted for arguments, it is not proper to allow these petitions to mark additional documents. The intention of the revision petitioner in filing the present petitions, is only an attempt to protract the proceedings. Hence, there is no infirmity in the impugned orders passed by the Court below and therefore, the interference of this Court is not necessary.

7.Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

To

The Subordinate Judge
Melur

C.R.P(MD)Nos.1292, 1293 and 1294 of 2019
and

C.M.P(MD)No.7099 of 2019

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