

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP (PD) No.1058 of 2015

and
MP No.1 of 2015

1. Jesudass
2. Esthar Shabiya Petitioners

Vs

1. Gnanamani
2. The Sub Registrar,
Pallavaram,
Chennai - 600 043. Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 07.11.2014 passed in I.A. No.956 of 2014 in O.S. No.120 of 2009 on the file of learned Additional District Munsif Court, Alandur by allowing this Civil Revision Petition with costs.

For petitioners : Mr.M.Babu Muthu Meeran

For respondents :Mr.N.Selvaraju for R1

No appearance for R2

ORDER

This revision petition has been filed by the defendants 1 and 2 in O.S. No.120 of 2009 on the file of the Additional District Munsif Court Alandur as against the order passed by the Trial Court in I.A. No.956 of 2014, dated 7.11.2014.

2. I.A. No.956 of 2014 was filed under Order VII Rule 14 (2) read with 151 CPC to receive certain additional documents viz., a) the property tax receipts, b) the proceedings of the Commissioner, Pallavaram Municipality and EB bill receipts in support of their plaint. This I.A. was allowed by the Trial Court despite the objection raised by the defendants that the Proceedings of the Commissioner was challenged before this Court in W.P. No.21527 of 2014 and this Court has also granted an interim stay in the said Writ Petition. The Trial Court has allowed the application on the ground that the application was filed only at the stage of cross examination of PW1 and the plaintiff is having every right to file this application for bringing additional documents for valid reasons at any point of time pending the suit. The said application was allowed subject of proof of relevancy and admissibility of the documents which could be decided only at a

later stage, where the defendants have every right to cross examine the plaintiff on the aforesaid proposed documents to be marked.

3. This revision petition has been filed mainly on the ground that when this Court is seized of the matter by granting an interim order in W.P. No.21527 of 2014, dated 11.08.2014, it is not appropriate for the Trial Court to allow the petition to mark the documents, which is the subject matter in the writ petition.

4. The said writ petition was filed by the 1st defendant in the suit, O.S. No.120 of 2009 as against the Proceedings of the Pallavaram Municipality in Na.Ka. No.9860/2013/A1, dated 16.04.2014. While entertaining the above Writ Petition, this Court had issued notice and also granted an order of interim stay for a period of three weeks. The interim order granted on 11.8.2014 was not subsequently extended and the Writ Petition was not taken up for hearing and the same is pending, till date. A perusal of the order of the Trial Court reveals that the Trial Court has allowed the petition with a liberty to the defendants to raise all the objections with regard to the maintainability and admissibility of the documents proposed to be marked and more so, the defendants have not been deprived of their rights to establish the maintainability of those documents. This only makes it clear that in the event of the Writ Petition is being allowed in favour of the

petitioners / Defendants, it is open to them to place it before the Trial Court for establishing their case before the conclusion of the trial. Mere pendency of the Writ Petition cannot be a ground to prevent the trial from being proceeded with. In such view of the matter, this Court is inclined to dispose of this petition with certain directions.

5. Accordingly, the Civil Revision Petition is disposed of with a liberty to the petitioners / 1 and 2 defendants to raise all their objections with regard to the reliability, admissibility and maintainability of the documents which are proposed to be marked by the plaintiff at the relevant point of time during cross examination. Further, the trial Court shall consider the same and pass a reasoned order, considering the objections raised by the petitioners / defendants 1 and 2. Considering the period of the suit, the trial Court is directed to dispose of the suit as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order
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