

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Thursday, the Twenty Ninth day of October Two Thousand Twenty

PRESENT

THE HON`BLE DR JUSTICE G. JAYACHANDRAN

CMP Nos.10678 and 10680 of 2020

IN SA.1365/2010

O.MURALIDHARAN [PETITIONER IN BOTH THE PETITIONS]

Vs

1 CHEVALIER T.THMOMAS EDUCATONAL [RESPONDEN IN BOTH THE PETITIONS]
AL TRUST,, REPRESENTED BY MANAGING TRUSTEE
L.PALAMALAI 16, ST.MARYS ROAD, PERAMBUR.
CHENNAI - 11

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to lead the additional evidence by examining himself in the above case IN CMP.NO.10678 OF 2020 AND;

(II) *To permit the petitioner to lead the additional evidence by examining himself in the above case receive additional documents in the S.A IN CMP.NO.10680 OF 2020 Respectively.*

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.P.SIDHARTHAN, Advocate for the petitioner the court made the following order:-

C.M.P.No.10678 of 2020 has been filed to permit the petitioner to lead the additional evidence by examining himself in the above case.

C.M.P.No.10680 of 2020 has been filed to permit the petitioner to lead the additional evidence by examining himself in the above case receive additional documents in the second appeal.

2.Heard the learned counsel appearing for the petitioner.

3.The suit is of the year 2003 in which the plaintiff has prayed for injunction and lost his case before the Courts below. He has filed the second appeal in the year 2010. After 17 years, the plaintiff has now come forward to lead the additional evidence and to mark two documents, which are supposed to be 'B' notice and possession certificate issued by the VAO and Tahsildar of the year

1985 and 1986 respectively. This Court is disheartened by the manner in which the suit been been protracted by the plaintiff, who has come to Court for a relief of injunction ought to have placed the documents to prove his possession. It is the case where the plaintiff has miserably failed to produce the documents and having lost the case before both the Courts. The second appeal itself is pending for more than 10 years, all of sudden out of blue, two photocopies of documents issued by the VAO and Tahsildar of Puraisaivakkam been filed to introduce as additional documents. Knowing pretty well that after 35 years, it is difficult to prove the genuineness of these documents, just to protract the proceedings, these applications are taken out by the petitioner. Hence, these civil miscellaneous petitions are dismissed as devoid of merits. No order as to costs.

-sd/-

29/10/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE REGISTRAR
CITY CIVIL COURT CHENNAI.

Order

in

CMP Nos.10678 and 10680 of 2020
IN SA.1365/2010

Date :29/10/2020

From 26.2.2001 the Registry is issuing certified
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