



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

C.R.P.Nos.4254, 4259 & 4250 of 2019
and C.M.P.Nos.27734, 27800 & 27695 of 2019

1. T.S.Prakashchand
2. P.Gyanchand
3. P.Dineshchand
4. P.Sandeep
5. P.Sunil

.. Petitioners in all the CRPs

Vs.

1. R.Jayaraman
2. S.Elred Kumar
3. N.Boopalan
4. B.Poongothai

.. Respondents in all the CRPs

Prayer: Civil Revision Petitions have been filed under Article 227 of the Constitution of India against the order and decreetal order dated 15.10.2019, passed in I.A.Nos.1, 3 & 2 of 2019 respectively in O.S.No.385 of 2006 on the file of the learned Sessions Judge, Mahila Court, Chengalpattu.

For Petitioners: Mr.T.Viswanathan Rao

For Respondents: Mr.R.Rajarajan

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C O M M O N O R D E R

Present revisions have been filed against the orders allowing the respondents 1 & 2 / plaintiffs' applications to re-open the evidence of P.W.1, to re-call P.W.1 for marking documents as additional evidence and to receive documents by condoning the delay.

2. The respondents 1 & 2 / plaintiffs have filed the suit for specific performance based on a sale agreement dated 04.02.2005. The contesting petitioners herein are the defendants 3 to 7 / subsequent purchasers of the suit property.

3. Now, after completion of the evidence and when the suit is listed for arguments, the respondents 1 & 2/plaintiffs have come with applications to re-open the evidence of P.W.1,



to re-call P.W.1 for marking documents as additional evidence and to receive documents by condoning delay. The document sought to be marked is a bank statement to prove his means and the trial Court allowed all the applications. Now, challenging the same, present revisions have been filed.

4. Heard the learned counsel appearing for the parties and also perused the records carefully.

5. Perusal of the written statement would show that none of the defendants have challenged the means of the petitioner and there is no necessity to mark the bank statement to prove his means. The present applications have been filed after the evidence was closed and when the suit is listed for arguments. In my considered opinion, the trial Court is not right in allowing the said applications at this stage. Hence, the impugned orders passed by the trial Court are liable to be set aside.

6. In the result, the civil revision petitions are allowed and the orders and decreetal orders of the Court below, impugned in these revision petitions, are hereby set aside. Considering the fact that suit is posted for arguments, the learned Sessions Judge, Mahila Court, Chengalpattu, is directed to dispose of the suit in O.S.No.385 of 2006, on merits and in accordance with law, after giving opportunity to both the parties, on or before 14.02.2020. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Sessions Judge,
Mahila Court, Kancheepuram District,
Chengalpattu.

+1cc to Mr.Rajarajan, Advocate SR.834
+1cc to Mr.Viswanatha Rao, Advocate SR.1221

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MG (CO)
CB(13/01/2020)