



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.R.P. (MD)Nos.470 to 472 of 2020
and C.M.P(MD) No.2902 of 2020

WEB COPY

In all C.R.P.s:

1.Mr.Balasubramanian
Rep. by its Power Agent,
Srinivasan

Shankar (died)

2.Selvi Manickavasaga
Vithhaga Vinayaga Vadivu ... Petitioners/Petitioners/
Plaintiffs

Vs.

Rajesh Kumar ...Respondent/Respondent/Defendant

COMMON PRAYER: This Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order dated 09.03.2020 passed by the learned Sub Judge, Valliyoor in I.A.Nos.11, 12 & 13 of 2020 respectively in O.S.No.22 of 2009.

In all C.R.P.s:

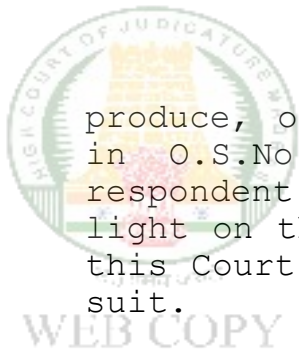
For Petitioners : Mr.Ramesh Srinivasan for Mr.P.Mohandoss
For Respondent : Mr.H.Arumugam

C O M M O N O R D E R

There are three suits between inter parties, and each one of them are filed for declaration of title of the respective plaintiffs over the same property. These three suits are O.S.No.153 of 2008, O.S.No.22 of 2009 and O.S.No.208 of 2013 and the revision petitioners are the plaintiffs in O.S.No.22 of 2009 and they are the defendants in the other two suits.

2.Be that as it may, the trial of the suits is completed and the case has been posted for final arguments. At this stage, the revision petitioners have come up with applications in I.A.Nos.11,12 & 13 of 2020 for reopening the suit, for recalling plaintiff and for producing additional documents for evidence. All the three applications came to be dismissed and hence, the petitioners have approached this Court with these three Civil Revision Petitions.

3.The learned counsel for the revision petitioners submitted that, of the two documents which the revision petitioners now seek to



produce, one document pertains to the certified copy of the plaint in O.S.No.587 of 1989, which was between the father of the respondent and the HR&CE Department, which appears to throw some light on the cause of action and the other document is the order of this Court in a writ petition passed subsequent to the trial of the suit.

4.Heard Mr.H.Arumugam, the learned counsel for the respondent. The learned counsel for the respondent submitted that without pleading documents are being introduced by the revision petitioners which would prejudice the interest of the respondent/defendant.

5.At least one of the document is the order of this Court in a writ petition and the other is the certified copy of the plaint in O.S.No.587 of 1989, no prejudice can be caused to the defendant. At any rate, a copy of the plaint in which the defendant is not a party will only be a document relevant under Section 13 read with Section 11 of the Evidence Act. However, if the defendant has to clarify anything necessarily he is entitled to produce any contra evidence because procedural fairness cannot be denied to any of the litigating parties.

6.In the result, these Civil Revision Petitions are allowed and consequently, the order dated 09.03.2020 passed by the learned Sub Judge, Valliyoor in I.A.Nos.11, 12 & 13 of 2020 in O.S.No.22 of 2009 is set aside. The defendant will be at liberty to protect his interest in the ongoing litigation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Sub Court, Valliyoor.

+1 CC to Mr.P.Mohandoss, Advocate SR.No. 25665

+1 CC to Mr.H.Arumugam, Advocate SR.No. 25693

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ES (CO)

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