



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRP(MD)Nos.1578 to 1580 of 2019

and

CMP(MD)No.8347 of 2019

1. Nalluchamy
2. Kannan
3. Velmurugan

... Revision Petitioners in all
CRPs. / Plaintiffs

versus

1. Nallaperumal Naicker
2. Adani Green Energy (Tamilnadu) Ltd.,
Rep. by Parvada Gowda,
No.338, BHEL Layout Extension,
Rajarajeswari Nagar,
Bangalore - 560 098.
Karnataka.

... Respondents in all CRPs./
Defendants

Prayer in CRP(MD)No.1578 of 2019: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 02.08.2019 passed in I.A.No.327 of 2018 in O.S.No.160 of 2017 on the file of the learned Sub Judge, Mudukulathur.

Prayer in CRP(MD)No.1579 of 2019: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 02.08.2019 passed in I.A.No.328 of 2018 in O.S.No.160 of 2017 on the file of the learned Sub Judge, Mudukulathur.

Prayer in CRP(MD)No.1580 of 2019: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 02.08.2019 passed in I.A.No.329 of 2018 in O.S.No.160 of 2017 on the file of the learned Sub Judge, Mudukulathur.

For Revision Petitioners : Mr.N.Murugesan

For Respondents : No appearance

**COMMON ORDER**

These Civil Revision Petitions arise out of a common order dated 02.08.2019 passed in I.A.Nos.327 to 329 of 2018 in O.S.No.160 of 2017 on the file of the learned Sub Judge, Mudukulathur.

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2. The revision petitioners filed a suit in O.S.No.160 of 2017 against the respondents herein for partition. After filing of the written statement, issues were framed and trial has commenced. On the side of the plaintiffs, P.W.1 was examined and evidence on the side of the plaintiffs was closed. When the case was posted for defendants' side evidence, they filed interlocutory applications in I.A.Nos.327 to 329 of 2018 to re-open, re-call the evidence of P.W.1 and to mark two documents, i.e. SLR and "A" register as additional evidence on the side of the plaintiffs respectively. The Trial Court, after the enquiry, dismissed all the applications. Aggrieved over the same, the present Civil Revision Petitions are filed before this Court.

3. Since all the revision petitions have arisen out of the common order passed by the trial court, all the revision petitions are taken up together and a common order is passed.

4. Learned counsel appearing for the revision petitioners/plaintiffs submitted that the plaintiffs filed the suit for partition in the year 2017 and during the trial, it is found that certain documents are necessary to prove their case and therefore, in order to produce a certified copy of those documents, they filed the applications to re-open, re-call the evidence of P.W.1 and also to receive the additional documents. It is further submitted that the suit is filed in the year 2017 and the trial commenced in the year 2018. Therefore, there is no delay and laches and no prejudice would be caused the respondent.

5. There is no representation for the respondents. Heard the learned counsel appearing for the revision petitioners and perused the records.

6. Admittedly, the revision petitioners filed the suit in O.S.No.160 of 2017 for partition against the respondents herein. Thereafter, trial commenced and on the side of the plaintiffs, P.W.1 was examined and the evidence on the side of the plaintiffs was closed. When the suit was posted for defendants' side evidence, the revision petitioners herein filed the interlocutory applications in I.A.Nos.327 to 329 of 2018 in O.S.No.160 of 2017 to re-open, re-call the evidence of P.W.1 and to file additional documents. However, the trial Court, vide order dated 02.08.2019, dismissed all the applications on the ground that after examining one of the plaintiff as P.W.1, in order to fill up lacuna, the petitioners filed the

<https://hcmca.cemts.gov.in/cemts>



7. The suit in O.S.No.160 of 2017 has been filed for partition. The documents, which are sought to be marked as additional evidence, are public documents.

8. As per the amended provisions of the Civil Procedure Code, all the documents would be filed along with the plaint and subsequently, with the leave of Court, the additional documents can be filed. The trial Court has exercised its discretionary power and dismissed the said applications. However, in order to give an opportunity to the revision petitioners, this Court is inclined to set aside the common order dated 02.08.2019 passed in I.A.Nos.327 to 329 of 2018 in O.S.No.160 of 2017 on condition that the revision petitioners shall pay a sum of Rs.25,000/- to the first respondent on or before 30.03.2020, since the revision petitioners caused inconvenience to the respondents herein by way of filing those applications belatedly.

9. In view of the above, all the Civil Revision Petitions are allowed, on condition that the revision petitioners shall pay a sum of Rs.25,000/- (Rupees twenty five thousands only) to the first respondent on or before 30.03.2020, failing which, all the Civil Revision Petitions shall stand dismissed automatically without any further reference to this Court. No costs. Consequently, connected miscellaneous petition is closed.

10. Post the matter on 31.03.2020 for reporting compliance.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Sub Judge, Mudukulathur.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.MURUGESAN, Advocate (SR-12408[F] dated 19/03/2020)

+1 CC to M/s.N.MURUGESAN, Advocate (SR-5375[I] dated 17/03/2020)

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17.03.2020

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