



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P (NPD) (MD)No.1598 of 2015

and

M.P. (MD)No.2 of 2015

1.Margrate Mercy
2.Minor Viyakulamery @ Kavitha
3.Minor Shanthi Aruljothi
4.Minor Karolin : Petitioners/Respondents 2 to 5/
Defendants 2 to 5

(2 to 4 minors represented through their natural guardian and mother the first Petitioner)

.. Vs ..

David : Respondent/Petitioner/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order passed in I.A.No.1243 of 2014 in O.S.No.52 of 2009 on the file of the District Munsif Court, Pudukkottai, dated 16.02.2015 and to allow this Civil Revision Petition.

For Petitioners : Mr.G.Sridharan

For Respondent 1 : Mr.Balakrishnan
for Mr.K.N.Govardhanan

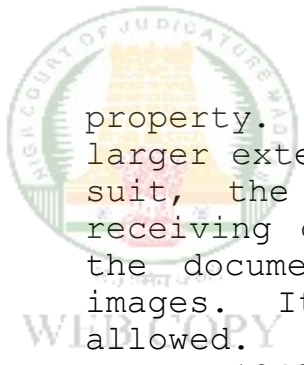
- - - -

ORDER

This Civil Revision Petition is directed against the order dated 16.02.2015 passed in I.A.No.1243 of 2014 in O.S.No.52 of 2009 by the learned District Munsif Judge, Pudukkottai.

2.The brief facts that are necessary for the disposal of this Civil Revision Petition are as follows:

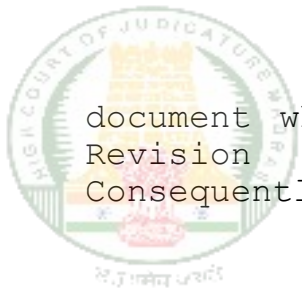
2.1.The respondent herein filed a suit in O.S.No.52 of 2009 on the file of the District Munsif Court, Pudukkottai for permanent injunction restraining the defendants and their men from interfering with the plaintiff's peaceful possession and enjoyment of the suit



property. The suit property is an extent of three cents out of a larger extent. After framing the issues, during the pendency of the suit, the plaintiff in the suit filed I.A.No.132 of 2014 for receiving documents. Eight documents were relied upon and one of the documents is a Compact Disc containing group of photograph images. It is admitted that the petition in I.A.No.132 of 2014 was allowed. Later the plaintiff filed once again an application in I.A.No.1243 of 2014 to receive some other documents. This application was filed after one year from the date when the earlier application was allowed. In the affidavit filed in support of the said petition, the petitioner has stated that these documents are relevant to substantiate the case of the plaintiff. Though the said petition was opposed, the trial Court allowed the petition, however, subject to a condition that the respondent pays a sum of Rs.500/- to the petitioners. Aggrieved by the order allowing the respondent to receive the Compact Disc containing photographs subject to the condition, the above Civil Revision Petition is filed.

3.The learned Counsel appearing for the revision petitioners submitted that there is no *bona fide* in the application and that the respondent is determined to drag on the proceedings to the prejudice of the revision petitioners. The learned Counsel then submitted that though the lower Court had earlier received the photographs and Compact Disc subject to certain conditions, the same documents cannot be allowed once again. However, the learned Counsel appearing for the respondent reiterated that the photographs and other documents filed in I.A.No.1243 of 2014 are new and relevant and cannot be dispensed with. It is further stated that the delay had been accepted by the lower Court and therefore, a sum of Rs.500/- was directed to be paid to the revision petitioners towards cost for allowing the interlocutory application.

4.The suit is for bare injunction and the main issue is whether the petitioners or the respondent is in possession and enjoyment of the suit property on the date of filing the suit. The contention of the petitioners that the respondent is seeking to mark some documents which are already marked is not true. Having regard to the fair proposition that every party to the suit should be given an opportunity to produce evidence in full and that no party to the proceedings should be prejudiced by thwarting his attempt to produce every possible evidence before Court. This Court is of the view that the Civil Revision Petition deserves dismissal. When the lower Court has exercised its discretion judiciously, this Court finds no infirmity or error in the order passed by the learned District Munsif, Pudukkottai. If the condition is complied with, the petitioners may not have any grievance for reception of documents which are mentioned in the interlocutory application in I.A.No.1243 of 2014. It is open to the revision petitioners to raise any objection as to the admissibility or the evidentiary value of documents at the time of trial. Based on the objections raised by the petitioners, the lower Court may deal with every



WEB COPY

C.R.P(PD)(MD)No.1598 of 2015

document while considering the case on merits. Hence, this Civil Revision Petition is dismissed. No order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

The District Munsif Court,
Pudukkottai.

C.R.P (NPD) (MD)No.1598 of 2015

30.07.2020

VB (12.08.2020) 3P 2C