

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.1775 of 2016

K.Ganesh Raj

... Petitioner

Vs.

1. K.Gunasekaran

2. K.Vijayakumar

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed by the learned Additional District Munsif, Alandur in I.A.No.1600 of 2015 in I.A.No.572 of 2015 in O.S.No.428 of 2015 dated 18.03.2016 and allow the C.R.P.

For Petitioner : Mr.V.Vijayakumar
For M/s.Span Associates

For Respondents : No appearance

ORDER

This Civil Revision Petition is arising out of the fair and decreetal order dated 18.03.2016 passed by the learned Additional District Munsif, Alandur, in I.A.No.1600 of 2015 in I.A.No.572 of 2015 in

O.S.No.428 of 2015, thereby dismissing the petition filed by the petitioner to permit the petitioner to introduce the video recording CD dated 16.07.2015.

2. The petitioner is the plaintiff and respondents are the defendants. The petitioner filed the suit for permanent injunction as against the respondents. Along with the suit he filed a petition for interim injunction in I.A.No.572 of 2015. While pending the said application, the petitioner filed another two petitions in I.A.Nos.1577 & 1600 of 2015 to issue subpoena to the Inspector of Police, Law and order, S12 Chittlapakkam police Station to call upon the statement of the first respondent herein dated 20.04.2015, along with CD produced by the petitioner herein and also permit him to introduce the video recording CD dated 16.07.2015, in order to prove the occurrence took place on 16.07.2015. Both the petitions were dismissed by the trial Court as against which the petitioner filed two Civil Revision Petitions in C.R.P.Nos.1774 & 1775 of 2016.

3. While pending both the petitions, the petitioner withdrawn the petition in C.R.P.No.1774 of 2015 on 12.07.2016. Insofar as the present petition in C.R.P.No.1775 of 2016 is concerned, the trial Court dismissed the petition in I.A.No.1600 of 2015 for the reason that the contention of the petitioner is that to introduce the video recording C.D. dated 16.07.2015 containing the incident which happened after the filing of the suit, which is irrelevant to decide the fact in issue.

4. According to the petitioner the suit properties owned by him and he constructed a building ad measuring 5000 sq.ft., out of his own self earned funds and savings. Thereafter it was let out to BSNL for monthly rent. While being so, the respondents on 10.04.2015 quarreled with the petitioner and try to trespass into the suit property. On 17.04.2015 the respondents herein broken open the lock of the door of the petitioner's property and as such the petitioner lodged complaint with the Inspector of Police, Chittalapakkam Police Station.

5. While pending the petition for interim injunction, again on 16.07.2015 the respondents forcibly entered into the property and threatened him with dire consequences. It was also duly recorded in the CCTV footage. Therefore, the petitioner sought permission to introduce the video recording CD dated 16.07.2015 in support of his interim injunction petition.

6. Admittedly, the suit itself filed for permanent injunction. The petition for interim injunction in I.A.No.572 of 2015 has been filed on the allegation that the respondents attempted to trespass into the property and attempted to take illegal possession and also threatened the petitioner with dire consequences. Therefore, it is a continuous cause of action and continuous to the earlier occurrence. On 16.07.2015 again the respondents tried to trespass into the property and threatened the petitioner with dire consequences. Therefore, no prejudice would be caused, if the petitioner is permitted to introduce the video recording CD dated 16.07.2015. In view of the above discussions, the order passed by the trial Court is perverse and liable to be set aside.

7. Accordingly, the order dated 18.03.2016 passed by the learned Additional District Munsif, Alandur, in I.A.No.1600 of 2015 in I.A.No.572 of 2015 in O.S.No.428 of 2015 is hereby set aside and the Civil Revision Petition is allowed. There shall be no order as to costs.

25.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

1. The Additional District Munsif,
Alandur.

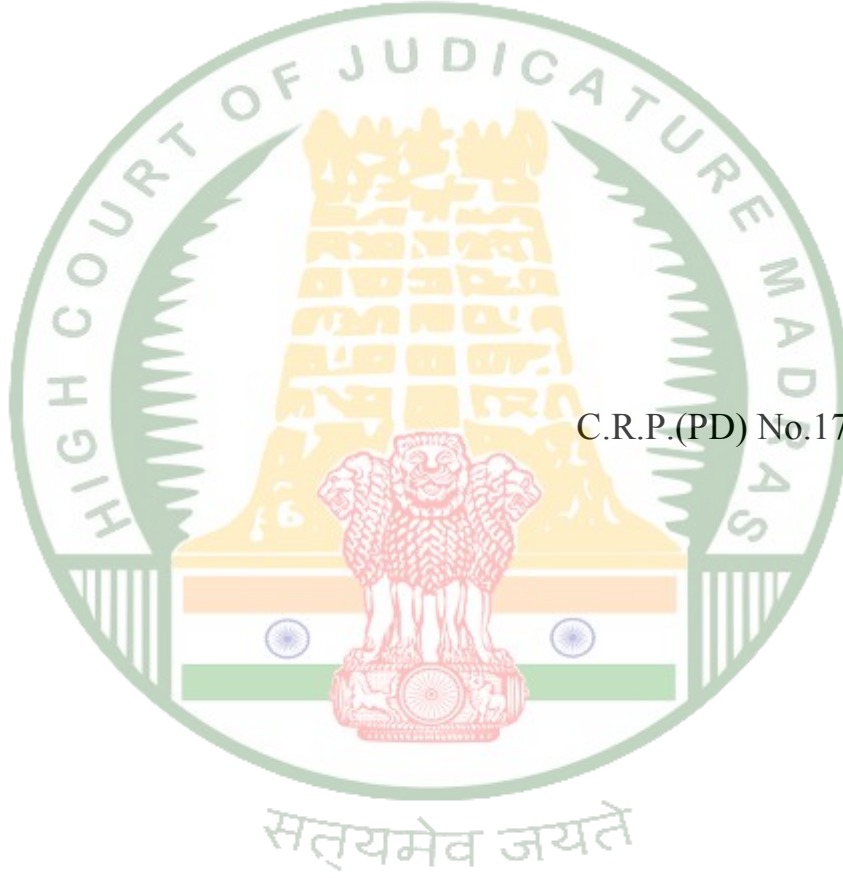
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J.

rts



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