



CRP.PD.No.1181/2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.PD.No.1181/2019 & CMP.No.7590/2019

[Physical Hearing]

Gopalsamy

.. Petitioner

Vs.

Sridhar

.. Respondent

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decree dated 21.02.2019 in IA.No.49/2019 in OS.No.186/2012 on the file of the learned District Munsif, at Katpadi, Vellore District.

For Petitioner	:	Mr.R.Rajarajan
For Respondent	:	Mr.M.Murali

ORDER

- (1) The Civil Revision Petition is filed by the defendant in the suit in OS.No.186/2012 on the file of the learned District Munsif at Katpadi, Vellore District, against the order dated 21.02.2019 made in IA.No.49/2019 in OS.No.186/2012, dismissing the petition filed



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by the revision petitioner/defendant to reopen the defendant side evidence for marking certain documents.

- (2) The respondent herein as plaintiff, filed the suit in OS.No.186/2012 for ejectment of the defendant/revision petitioner from the property and for consequential reliefs.
- (3) It is the case of the respondent/plaintiff that the suit property which are described in the A and B Schedule in the plaint, were allotted to the defendant in the Partition Deed dated 09.12.1985 and that the defendant/revision petitioner, later, had sold the said property to the respondent/plaintiff.
- (4) It is the specific case of the respondent/plaintiff that the plaintiff got the signature of the defendant in the non judicial stamp papers and the Sale Deed was also presented for registration after due execution and the defendant after signing the document of sale, refused to appear before the Registrar for registering the Sale Deed. However, it is admitted that the Sale Deed was later registered as per the orders of the Registering Authority on the application filed by the respondent/plaintiff.



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- (5) A written statement was filed by the revision petitioner/defendant in the suit. During the pendency of the suit, the revision petitioner/defendant filed IA.No.49/2019 to reopen defendant side evidence and for marking of necessary documents. The said Interlocutory Application was strongly opposed by the respondent/plaintiff. The Trial Court dismissed the said Application holding that there is neither bona fides nor merits in the case. It was also held by the Lower Court that the attitude of the revision petitioner/defendant show that he is adopting delaying tactics. Aggrieved by the same, the present Civil Revision Petition is filed by the defendant.
- (6) Learned counsel for the revision petitioner submitted that the suit filed by the respondent/plaintiff is for recovery of possession involving question of title and that therefore, the Lower Court ought not to have shut down the defendant from letting in evidence to prove his case.
- (7) No doubt it is true that the Courts while considering the petition of one of the party to recall witness for the purpose of adducing



(10) In the present case, the revision petitioner/defendant has filed the petition with a specific plea that the defendant side evidence should be reopened for marking certain documents which are necessary for



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the disposal of the suit. However, the documents which are sought to be marked, are not indicated either in the petition or in the affidavit filed in support of the petition. In such circumstances, the revision petitioner/defendant cannot be permitted to seek reopening of evidence for the purpose of marking some documents without disclosing the relevance of such documents.

(11) It is to be seen that when a document is sought to be marked at a belated stage by reopening the case and by recalling witness, at least there must be corresponding pleading from which the relevance of the document can be inferred. Therefore, the question of relevancy is also important. When the application is filed by the revision petitioner/defendant without any details as to the nature of documents sought to be marked through him, this Court is unable to find any error or irregularity in the order of the Trial Court in dismissing IA.No.49/2019.

(12) In the result, the Civil Revision Petition is **dismissed** confirming the order dated 21.02.2019 made in IA.No.49/2019 in OS.No.186/2012 passed by the learned District Munsif, Katpadi,



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- (13) However, liberty is given to the revision petitioner/defendant to file a fresh application if necessary if he really intends to mark few documents indicating their relevance for the case by reopening, and recalling the witness. If an application is filed by the revision petitioner/defendant within a period of two weeks from the date of receipt of a copy of this order, the Lower Court may consider the same on merits and in accordance with law if the documents which are sought to be marked are relevant. No costs. Consequently, connected miscellaneous petition is closed.

09.12.2021

AP

Internet : Yes

To

The District Munsif

Katpadi, Vellore District.



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S.S.SUNDAR, J.,

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