

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2021

CORAM

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

C.R.P.(PD) Nos.2709, 2710 & 2711 of 2018
and
CMP.No.15986 of 2018

CRP.No.2709 of 2018

1.P.Balakumar
2.P.Mohanasundaram

...

Petitioners

1.S.Ayyappan
2.Tahsildar,
Ambattur Taluk

Vs

...

Respondents

Prayer :-

Civil Revision Petition is filed under Article 227 of the Constitution of India against the decree and fair order dated 09.08.2018 passed in IA.No.783 of 2018 in OS.No.167 of 2006 on the file of the District Munsif, Ambattur.

For Petitioners : M/s.Elizabeth Ravi
for Mr.A.H.Srikanth

For Respondents

For R1 : Mr.K.G.Vasudevan

For R2 : Dr.S.Suriya,
Government Advocate (CS)

CRP.No.2710 of 2018

1.P.Balakumar
2.P.Mohanasundaram

.... Petitioners

Vs

1.S.Ayyappan
2.Tahsildar,
Ambattur Taluk

... Respondents

Prayer :-

Civil Revision Petition is filed under Article 227 of the Constitution of India against the decree and fair order dated 09.08.2018 passed in IA.No.784 of 2018 in OS.No.167 of 2006 on the file of the District Munsif, Ambattur.

For Petitioners : M/s.Elizabeth Ravi
for Mr.A.H.Srikanth

For Respondents

For R1 : Mr.K.G.Vasudevan

For R2 : Dr.S.Suriya,
Government Advocate (CS)

CRP.No.2711 of 2018

1.P.Balakumar
2.P.Mohanasundaram ... Petitioners

Vs

1.S.Ayyappan
2.Tahsildar,
Ambattur Taluk Respondents

Prayer :-

Civil Revision Petition is filed under Article 227 of the Constitution of India against the decree and fair order dated 09.08.2018 passed in IA.No.785 of 2018 in OS.No.167 of 2006 on the file of the District Munsif, Ambattur.

For Petitioners : M/s.Elizabeth Ravi
for Mr.A.H.Srikanth

For Respondents

For R1 : Mr.K.G.Vasudevan

For R2 : Dr.S.Suriya,
Government Advocate (CS)

COMMON ORDER

These Civil Revision Petitions are filed against the decree and fair order dated 09.08.2018 passed in IA.Nos.783 to 785 of 2018 in OS.No.167

of 2006 on the file of the District Munsif, Ambattur, thereby dismissing the petitions to reopen, recall and seeking permission to receive additional documents.

2. In all the civil revision petitions, the petitioners are the defendants in the suit filed by the first respondent for permanent injunction in respect of the suit property. The suit is of the year 2006. After closing the evidence of defendants, when the matter was posted for arguments, the petitioners come forward with the petitions to reopen, recall and seeking permission to receive additional documents. The documents which are sought to be marked are as follows:

Sl. No.	Date	Parties to Document	Remarks
1	26.11.1997	Sale deed in favour of first defendant	Sale deed (original)
2	26.11.1997	Sale deed in favour of second defendant	Sale deed (original)
3	06.04.2018	Decretal order in IA.No.137 of 2017 in AS.No.32 of 2017 in favour of defendants	Decretal order (certified copy)
4	06.04.2018	Fair order in IA.No.137 of 2017 in AS.No.32 of 2017 in favour of defendants	Fair order (certified copy)

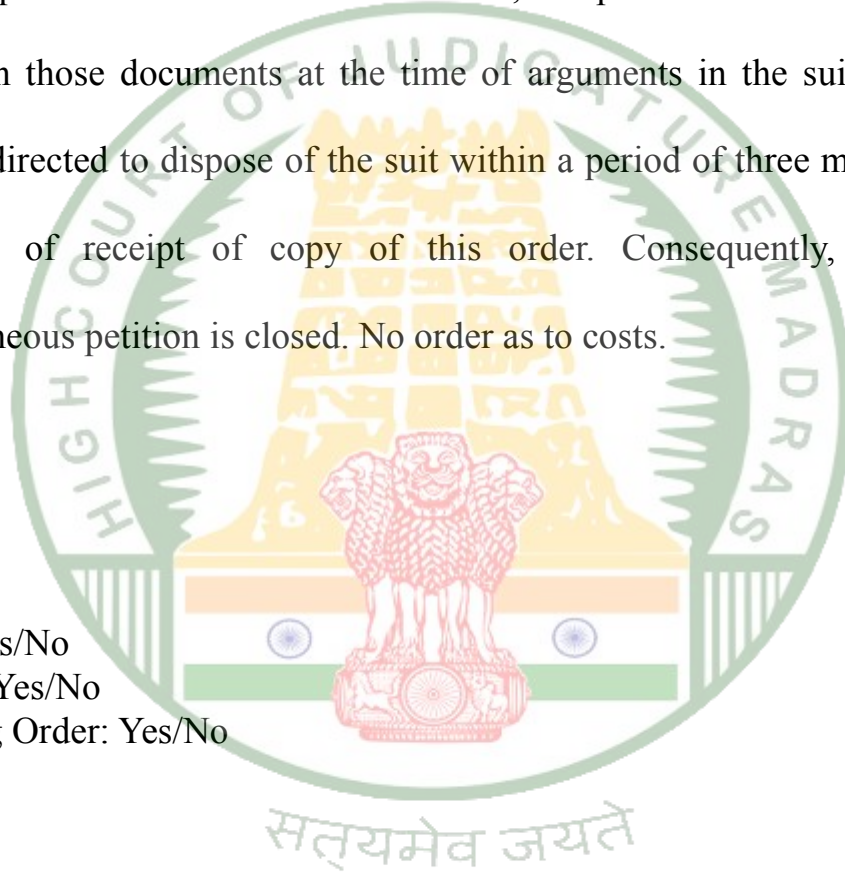
3. The certified copies of the documents 1 and 2 were already marked as Ex.B1 and Ex.B2 in the suit. Insofar as documents 3 and 4 are concerned, they filed appeal suit in AS.No.32 of 2017, in which they were granted temporary injunction in IA.No.137 of 2017 and the same was allowed in their favour by the fair and decretal order dated 06.04.2018. The said appeal is arising out of judgment and decree passed in OS.No.12 of 2005 on the file of the District Munsif Court, Ambattur for the very same property. Those documents were sought to be marked to prove their possession and enjoyment of the suit property.

4. Admittedly, the first and second documents were already marked as Ex.B1 and Ex.B2. Insofar documents 3 and 4 are concerned, they are court orders. Therefore, the petitioners can very well rely upon those documents at the time of arguments in the suit. Since the suit is of the year 2006, and when the suit was posted for arguments, these documents came to be filed. Therefore, the court rightly dismissed those petitions for the reason that the preset petitions are nothing but filling up the lacuna.

5. In view of the above discussion, this Court finds no infirmity or illegality in the orders passed by the court below. Accordingly, all the civil revision petitions are dismissed. However, the petitioners are at liberty to rely upon those documents at the time of arguments in the suit. The trial court is directed to dispose of the suit within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

13.07.2021

lok
Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No



WEB COPY



WEB COPY

G.K.ILANTHIRAIYAN,J.

lok

To

The District Munsif,
Ambattur.



C.R.P.(PD) Nos.2709, 2710 & 2711 of 2018

WEB COPY

13.07.2021