

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

**C.R.P.(P.D) No. 1887 of 2021
and
C.M.P.No.14686 of 2021**

Periyasamy

...Petitioner

Vs.

1. Soundhiram

2. Rajammal

...Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 08.07.2021, in I.A.No.6 of 2021 in O.S.No.131 of 2013.

For Petitioner : Mr.R.Krishna Prasad

For Respondents : Mr.R.Nalliyappan

ORDER

This Civil Revision Petition is filed, to set aside the order dated 08.07.2021, in I.A.No.6 of 2021 in O.S.No.131 of 2013, passed by the learned Sessions Judge, Fast Track Mahila Court, Namakkal.

2. The learned counsel for the petitioner/1st defendant submitted that the I.A.No.6 of 2021 in O.S.No.131 of 2013, was filed under Order 8 Rule 1 (A) 3 of C.P.C., to condone the delay in filing the documents (i.e) deposition of witness-Murugesan recorded in O.S.No.217 of 1998 and the judgment in O.S.No.217 of 1998, on the file of the District Munsif Court, Namakkal.

3. The I.A.No.6 of 2021 in O.S.No.131 of 2013, was contested by the respondents. The learned Sessions Judge, Fast Track Mahila Court, Namakkal, dismissed the I.A.No.6 of 2021 in O.S.No.131 of 2013 on 08.07.2021, stating that the petitioner has earlier filed I.A.No.5 of 2021 for the reception of other documents and the petitioner could have included the documents now wants to be produced in I.A.No.5 of 2021 itself. Again filing of separate application in I.A.No.6 of 2021 in O.S.No.131 of 2013 is nothing but, an exercise to protract the proceedings. In this view of the matter, the learned Sessions Judge, Fast Track Mahila Court, Namakkal, dismissed the I.A.No.6 of 2021 in O.S.No.131 of 2013 on 08.07.2021. Hence, the present Civil Revision Petition is preferred.

4. The learned counsel for the petitioner submitted that the petitioner was not in a position to produce the certified copies of the documents, now sought to be produced, when I.A.No.5 of 2021 was filed, and that was the reason, that these documents had not been included in I.A.No.5 of 2021. These documents are necessary for proving the petitioner's case. Therefore, he prayed for setting aside the order dated 08.07.2021, passed by the learned Sessions Judge, Fast Track Mahila Court, Namakkal, by allowing this Civil Revision Petition.

5. Mr.Nalliappan, the learned counsel appeared for caveator/respondents, opposed the submissions made by the learned counsel for the petitioner on the ground that the suit was filed in 2013 and the case is pending for cross examination of defendants. He further submitted that filing of applications for producing list of documents in a piecemeal manner apparently shows that the petitioner's intention is only to drag on the proceedings. The petitioner had taken several adjournments during the course of trial and therefore the learned counsel for the respondents prayed

for dismissal of this petition.

6. Considered the rival submissions and perused the records.

7. It is true that the suit in O.S.No.131 of 2013 was filed in 2013 and the case is pending for cross examination of witnesses on the side of the petitioner/1st defendant. The parties must be given reasonable opportunity in the Trial Court for producing their oral and documentary evidence. If that opportunity is denied, parties would not be able to prove their case and it would essentially affect the result of the case. The Courts would also be not in a position to render a correct finding. Therefore, this court is of the considered view that the parties must be given all the reasonable opportunity before the Trial Court, first to reach correct finding and ultimately to avoid multiplicity of proceedings.

8. In this view of the matter, this court finds that the petitioner be permitted to produce documents subject to certain conditions. The suit in O.S.No.131 of 2013 was filed in the year 2013 and after eight

years,

it has reached the stage of cross examination of petitioner/1st defendant.

Therefore, the learned Sessions Judge, Fast Track Mahila Court, Namakkal, is directed to receive the documents and admit the documents as evidence, subject to the “Rules of Evidence” and dispose of the suit in O.S.No.131 of 2013 on merits and in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

9. Accordingly, the Civil Revision Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

ep/Jer

15.09.2021

Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

To

1. The Sessions Judge
The Court of Sessions(Fast Track Mahila),
Namakkal.
2. The Section Officer,
VR Section,

5/7

High Court of Madras.

G.CHANDRASEKHARAN.J,

Jer



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