



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

Coram

The Hon'ble Mr. Justice C.V.KARTHIKEYAN

C.R.P.PD.No.2333 of 2020

and

C.M.P.No.14665 of 2020

C.V.Thambidurai

... Petitioner

Vs

1.A.Natarajan
2.A.Gopalraj
3.V.Saraswathy
Pechiammal (died)
Palaniammal (died)
4.Chandran
5.Mallika
6.S.Gopal
7.John Peter
8.J.George Selvin Santhiran
9.C.V.Johny Golden
10.Alex Babu
11.K.Prabakaran

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 30.09.2019 made in I.A.No.887 of 2018 in O.S.No.69 of 2011 on the file of the III Additional Subordinate Court, Coimbatore.

For Petitioner .. Mr.K.Venkatasubban

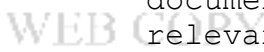
For RR1 to R6 .. Mr.S.Kolandasamy

RR7 to R11 .. Given up

ORDER

The plaintiff in O.S.No.69 of 2011 now pending on the file of the III Additional Subordinate Court, Coimbatore, is the revision petitioner.

2.Mr.K.Venkatasubban, learned counsel for the revision petitioner pointed out the flow of trial and stated that the plaintiff himself had been examined in chief and had also been cross-examined extensively on all aspects. He had also been examined on the aspects for which I.A.No.887 of 2018 had been filed seeking to reopen the evidence of PW-1 to mark



3. Let me not dwell deeply into the veracity of the documents or whether they are admissible or whether they are relevant to the issues in the suit.

5. Since the said information / documents had been obtained by the defendants, the burden is on them initially to ensure that they are admissible documents in the first place and that they are relevant to the facts of the case and then to prove them in the manner known to law. They cannot introduce the said documents in a round about method and put them to the witness for the plaintiff during cross-examination. Rather since they are information / documents produced by the defendants, it is the witness for the defendants who has to be subjected to cross-examination on those documents. Whether the documents are admissible in nature or whether they are relevant to the facts of the case or whether they have been proved in the manner known to law are issues in the realm of the learned III Additional Subordinate Judge, Coimbatore and I am not entering into the discussion on the same. Whether they can be marked at all is also a decision which the learned III Additional Subordinate Judge, Coimbatore has to take.

7. With the said directions, the Civil Revision Petition is allowed. No costs and the order dated 30.09.2019 in I.A.No.887 of 2018 is set aside. Consequently, the connected Civil Miscellaneous Petition is closed.

<https://hcservices.ecourts.gov.in/hcservices/>



9.Let the parties go back to the Trial Court and let the learned III Additional Subordinate Judge, Coimbatore have an opportunity to decide the issues in the suit. It is hoped that the learned III Additional Subordinate Judge, Coimbatore, would devote himself to dispose of the suit. At any rate, keeping in mind any Interlocutory Application being filed, I hope that the suit itself will be disposed on or before 31.10.2021 which is an extreme outer limit.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

smv

To,

The III Additional Subordinate Court, Coimbatore.

+1cc to M/s.Sarvabhauman Associates, Advocate SR.No. 31467

+1 cc to Government Pleader Sr.No. 31853

C.R.P.PD.No.2333 of 2020

and

C.M.P.No.14665 of 2020

UM(CO)

B.VC(22.07.2021)