

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.2546 to 2548 of 2017
and C.M.P.No.12097 of 2017

M.M.Gupta
Represented by his power
of attorney agent
S.N.V.Sathyanarayana
son of Kalyanasundaram
No.279, Sydemns Road
Choolai, Chennai-600 112.

.. Petitioner in
all the three CRPs.

Vs.

Krishnaveni Ammal (died)

1.P.Malliga

2.M.Vijayalakshmi

3.R.Rajalakshmi

.. Respondents in
all the three CRPs.

COMMON PRAYER: Civil Revision Petitions filed under Article 227
of the Constitution of India, against the fair and decretal orders dated

24.06.2017 made in I.A.Nos.529 to 531 of 2017 in O.S.No.873 of 2004 on the file of the Principal District Munsif Court, Alandur.

In all CRPs.

For Petitioner : Mr.T.Sai Krishnan
for M/s.Sai, Bharath

For Respondents : Mr.M.V.Seshachari

COMMON ORDER

(The matter is heard through “Video Conferencing/Hybrid Mode”).

Civil Revision Petitions are filed against the fair and decretal orders dated 24.06.2017 made in I.A.Nos.529 to 531 of 2017 in O.S.No.873 of 2004 on the file of the Principal District Munsif Court, Alandur.

2.The petitioner is defendant and the respondents are plaintiffs in O.S.No.873 of 2004. The respondents filed the suit for permanent injunction. The petitioner filed written statement in October 2015 and is contesting the suit. Trial commenced and after closure of evidence of

parties, the suit was posted for arguments. At that stage, the respondents filed three applications in I.A.Nos.530, 531 and 529 of 2017 to re-open the suit, re-call the evidence of P.W.1 and receive the documents.

2(i).According to the respondents, the documents now sought to be produced and marked are necessary to decide the issue in the suit and the same could not be produced and marked earlier inspite of their due diligence.

2(ii).The petitioner filed common counter affidavit and opposed the said applications. The petitioner contended that the Advocate Commissioner's report is a Court document and petitioner filed his objection as the Commissioner inspected the property behind his back. The patta sought to be marked was obtained by the respondents during pendency of the suit. Challenging the patta granted to the respondents, the petitioner filed W.P.No.13767 of 2014 before this Court and the same is pending. The extract of suit register relating to O.S.No.829 of 2004

filed by the petitioner is concerned, the petitioner subsequent to dismissal of the said suit, has filed O.S.No.88 of 2017, a comprehensive suit for declaration and recovery of possession and the same is pending before the Principal District Court, Chengalpet. In view of the same, the documents now sought to be filed by the respondents are not necessary and prayed for dismissal of all the three I.As.

2(iii).The learned Judge considering the materials on record and judgment of the Hon'ble Apex Court, allowed all the three I.As. on payment of cost.

3.Against the said fair and decretal orders dated 24.06.2017 made in I.A.Nos.529 to 531 of 2017 in O.S.No.873 of 2004, the present three Civil Revision Petitions are filed by the petitioner.

4.The learned counsel appearing for the petitioner reiterated the averments already made in the counter affidavit filed in the applications, which are raised before the Trial Court and submitted that the suit is of

the year 2004, the respondents have filed applications only in the year 2017, when the suit was posted for judgment and prayed for allowing the Civil Revision Petitions. The learned counsel further submitted that pending Civil Revision Petitions, the patta granted to the respondents was cancelled and the patta was issued in the name of the petitioner. In view of the same, the petitioner withdrew the Writ Petition filed by him and the same was dismissed as withdrawn.

5.The learned counsel appearing for the respondents submitted that the documents sought to be marked by the respondents are only Court documents and by marking those documents, no prejudice will be caused to the petitioner and prayed for dismissal of all the Civil Revision Petitions.

6.Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents and perused the entire materials on record.

7.From the materials on record, it is seen that the respondents filed the suit for permanent injunction in the year 2004. The petitioner has filed written statement only in October 2015. Trial commenced on 07.12.2015. The respondents and petitioner have let in evidence and closed their side. When the suit was posted for arguments, the present three I.As. were filed by the respondents. The contention of the learned counsel appearing for the petitioner that the suit is of the year 2004 and the applications were filed belatedly in the year 2017 cannot be accepted, as the petitioner filed written statement only in October 2015. Further, the documents to be marked by the respondents are Court documents and revenue records.

8.It is well settled that relevancy of the documents sought to be marked cannot be decided at the time of production of the documents, but the same can be marked subject to objection of other party and relevancy and objection of other party can be decided after conclusion of Trial. The learned Judge has properly considered the above materials and

allowed all the three I.As. on payment of cost. There is no error or irregularity in the order of the learned Judge warranting interference by this Court. It is open to the petitioner to raise objections for marking the documents and the documents can be marked subject to the objection, to be decided at the time of final disposal of the suit.

9.In the result, all the three Civil Revision Petitions are dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

10.08.2021

Index :Yes/No
Internet : Yes/No
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To

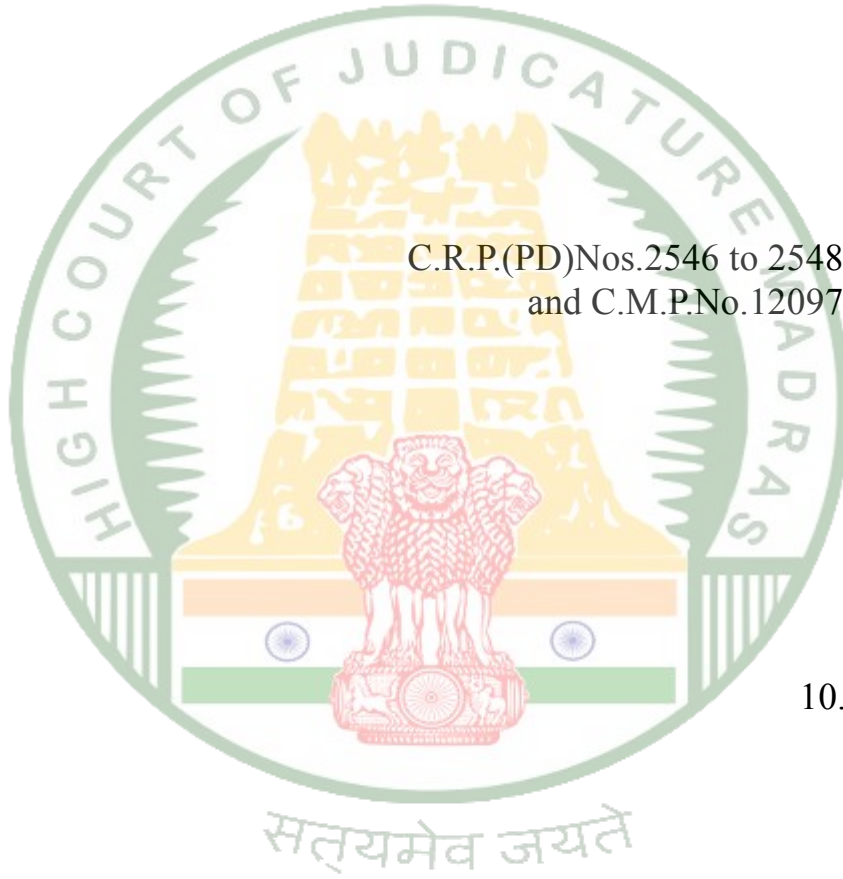
The Principal District Munsif

Alandur.

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V.M.VELUMANI, J.
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