

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM

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

CRP.PD.Nos.3064 & 3065 of 2018

and

CMP.No.17761 of 2018

CRP.No.3064 of 2018

Diagou Mudaliar Trust,
Rep. by its present Superintendent,
Arokiasamy Samuel Gnanou Diagou,
S/o.Jaganou Diagou,
Residing at No.43, Rangapillai Street,
Puducherry

..Petitioner

Vs.

1.Damayandhi
2.S.Padmini

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the common order and decree dated 07.04.2018 made in IA.No.213 of 2018 in OS.No.105 of 2009 on the file of the Court of the I Additional District Munsif, Puducherry.

For Petitioner : Mr.T.M.Naveen

For Respondents : No appearance

CRP.No.3065 of 2018

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Rep. by its present Superintendent,
Arokiasamy Samuel Gnanou Diagou,
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Residing at No.43, Rangapillai Street,
Puducherry

..Petitioner

Vs.

1.Damayandhi
2.S.Padmini

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the common order and decree dated 07.04.2018 made in IA.No.230 of 2018 in OS.No.105 of 2009 on the file of the Court of the I Additional District Munsif, Puducherry.

For Petitioner : Mr.T.M.Naveen

For Respondents : No appearance

COMMON ORDER

These Civil Revision Petitions are filed against the common order and decree dated 07.04.2018 made in IA.Nos.213 of 2018 & 230 of 2018 in OS.No.105 of 2009 on the file of the Court of the I Additional District Munsif, Puducherry, thereby dismissing the petitions to recall PW1 and to receive additional documents.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for declaration declaring that the sale deed dated 30.03.2007 executed by the first respondent herein in favour of the second respondent as non est in law and null and void. The petitioner also sought for permanent injunction in respect of the suit property. After examination of PW1, the petitioner filed petitions to recall PW1 and mark additional documents in favour of the plaintiff.

3. On perusal of the affidavit filed in support of the petitions revealed that the documents which are sought to be marked are the order passed in IA.No.777 of 1989 in LAOP.No.57 of 1987 dated 04.12.1990 and the decree passed in OP.No.47 of 1987 dated 23.06.1987. Both the documents are public documents and when the suit was posted for further PW's, the petitioner filed the petitions. The claim made by the respondents are that the properties are not belong to the petitioner trust. Therefore, those documents are necessary for the petitioner to prove their case before the trial court. Without considering the same, the court below dismissed the petitions for the reason that only to drag the proceedings, the petitions were filed. Even till today, the suit is posted for further evidence of PW.

4. Considering the above facts and circumstances of the case, both the civil revision petitions are allowed and the orders dated 07.04.2018 passed in IA.Nos.213 of 2018 & 230 of 2018 in OS.No.105 of 2009 on the file of the Court of the I Additional District Munsif, Puducherry are set aside. The trial court is directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

26.07.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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To

The I Additional District Munsif,
Puducherry



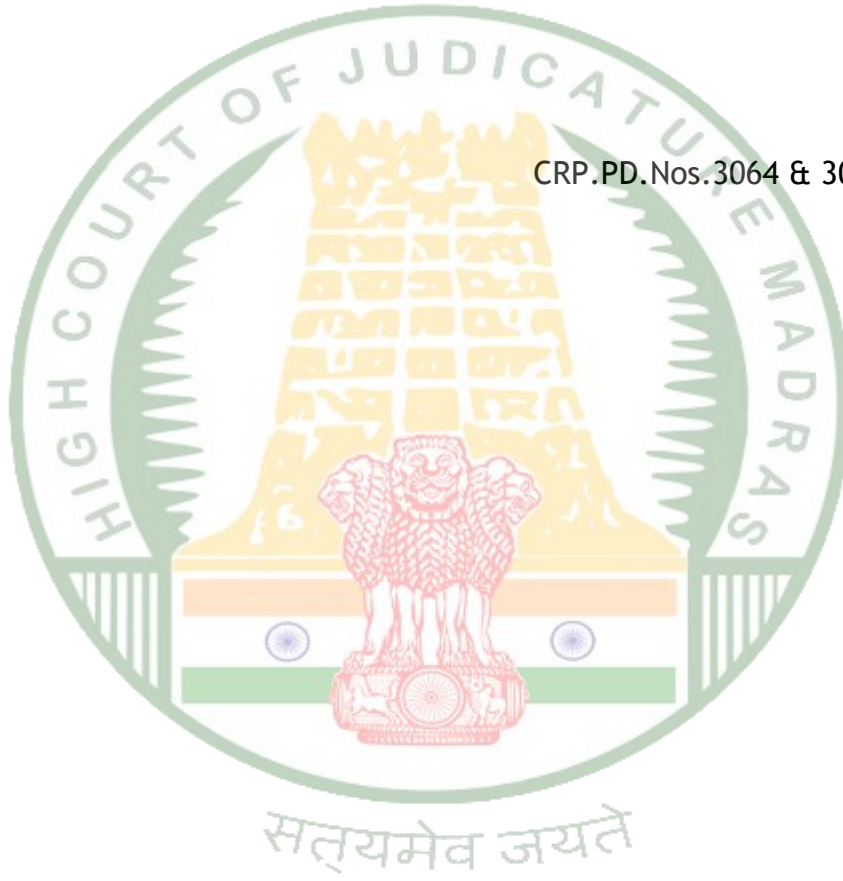
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G.K.ILANTHIRAIYAN,J.

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