



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.09.2021**

**CORAM :**

**THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**C.R.P. (MD) .Nos.1182 & 1183 of 2021**

**and C.M.P. (MD)No.6849 of 2021**

**WEB COPY**

S.Shanmugavel

... Petitioner/Respondent/Respondent  
in both CRPs.

**Vs.**

1.M.Sulochana (died)  
2.M.Padma  
3.Marimuthu Chettiar  
4.Alagirisamy  
5.Gangeswaran

... Respondents/Petitioners/Appellants  
in both CRPs.

**COMMON PRAYER:** Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the order, dated 05.11.2019 passed by the Additional Sub Court, Thanjavur in I.A.Nos.13 & 14 of 2019 in A.S.No.3 of 2017.

**In both CRPs.**

For Petitioner : Mr.P.Sesubalan Raja  
For Respondents : No appearance

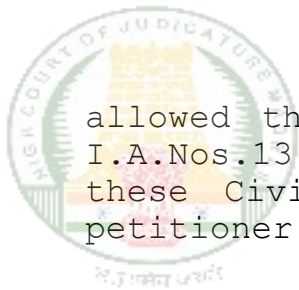
**COMMON ORDER**

These Civil Revision Petitions have been filed to set aside the order, dated 05.11.2019 passed by the learned Additional Subordinate Judge, Thanjavur in I.A.Nos.13 & 14 of 2019 in A.S.No.3 of 2017.

2.Though notice was served to the respondents and their names were also printed in the cause list there is no representation on the side of the respondents.

3.The revision petitioner herein has filed a suit in O.S.No.113 of 2007 for declaration, permanent injunction and mandatory injunction on the file of the District Munsif Court, Thanjavur and the same was partly allowed on 15.09.2014. Against the said Judgment and Decree, the respondents herein have filed an appeal in A.S.No.3 of 2017 on the file of the Principal Subordinate Court, Thanjavur.

4.During the pendency of the appeal, the respondents herein have filed a interlocutory application in I.A.No.13 of 2019 in A.S.No.3 of 2017 to reopen the appeal and I.A.No.14 of 2019 to receive the documents after the time fixed and mark the same on the side of the appellants. The learned Subordinate Judge, Thanjavur has



allowed the aforesaid petition and passed a conditional order in I.A.Nos.13 and 14 of 2019, on 05.11.2019. Aggrieved over the same, these Civil Revision Petitions have been filed by the revision petitioner herein.

5.The respondents herein have filed I.A.13 of 2019 under Section 151 of Civil Procedure Code to reopen the appeal which was posted for argument in A.S.No.3 of 2017 and I.A.No.14 of 2019 was filed under Order 41 Rule 27 of Civil Procedure Code to receive documents after the time fixed and mark the same on the side of the appellants. The documents are release deed, dated 16.03.1942 and another release deed, dated 11.09.1957. Only xerox copies of the documents filed along with the petition. The respondents herein have not stated anything about the documents in the written statement filed in the suit in O.S.No.113 of 2007. They have not produced any documents before the trial Court. They simply filed the xerox copies of the documents without any pleadings that too in the appeal. The Appellate Court has also passed an order without any discussion about the documents and simply allowed the petitions with costs. The respondent have not filed certified copies of the documents along with the petitions. After hearing both sides, the appeal in A.S.No.3 of 2017 was reserved for Judgment. At this stage, the documents cannot be marked in the appeal.

6.In view of the aforesaid reasons, these Civil Revision Petitions are allowed by setting aside the order, dated 05.11.2019 in I.A.Nos.13 & 14 of 2019 in A.S.No.3 of 2017 passed by the learned Additional Subordinate Judge, Thanjavur. Since the suit is of the year 2007, the Appellate Court is directed to dispose of the appeal in A.S.No.3 of 2017, within a period of one month from the date of receipt of a copy of the order. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Munsif,  
Thanjavur.

2.The Additional Subordinate Judge,  
Thanjavur.

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**21.09.2021**

**RS (29.09.2021) 3P 3C**