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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) Nos.311 & 266 of 2022
and C.M.P. Nos.1567 & 1302 of 2022

1.R.Ramakrishnan
2.R.Madhavaraj

...

Petitioners /
Plaintiffs
[in both CRPs]

versus

N.Malli Chettiar

...

Respondent /
Defendant
[in both CRPs]

COMMON PRAYER: Civil Revision Petitions have been filed under Article 227 of the Constitution of India, against the fair and decretal orders dated 31.08.2021 passed in I.A.Nos.1575 and 1576 of 2018 in O.S.No.221 of 2017 on the file of the learned Principal District Munsif, Tiruppur.

For Petitioners : Mr.K.Myilsamy
[in both CRPs]

For Respondent : Mr.S.Nambi Arooran
[in both CRPs]



COMMON ORDER

These Civil Revision Petitions have been preferred challenging

the orders of the learned Principal District Munsif, Tiruppur made in I.A.Nos.1575 and 1576 of 2018 in O.S.No.221 of 2017.

2. The revision petitioners are the plaintiffs in the suit. The respondent, who is the defendant in the suit has filed the applications in I.A.Nos.1575 and 1576 of 2018 for reopening the case and recalling him for the purpose of adducing further evidence by producing the documents. The learned trial Judge has allowed the same. Aggrieved over that, the petitioners/plaintiffs have filed these Civil Revision Petitions.

3. The learned counsel for the petitioners submitted that the documents now sought to be produced before the Court by virtue of reopening and recalling of D.W.1 is absolutely not necessary to substantiate the case and not supported by the pleadings of the defendant made in his written statement. He further submitted that the applications are filed with a view to delay the proceedings and hence, the orders of the learned trial Judge should be set aside.



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4. The learned counsel for the respondent submitted that the respondent/defendant has the duty to disprove the case of the petitioners/plaintiffs and documents now to be produced are relevant to his defence.

5. The very act of receiving a document by Court will not amount to taking it as evidence without the proof and relevancy. If the documents are produced for substantiating something not stated in the pleadings of the respective parties, that can be raised before the trial Court during the course of trial or arguments.

6. In this context, by allowing the defendant to recall himself and examine further by reopening the case, will not prejudice the revision petitioners. However, if the learned trial Judge should expedite the proceedings by hearing the contentions of the revision petitioners about the merits of the defendant's case including the documents which are now sought to be produced and render findings. Hence, I do not find any reason to interfere with the order of the learned trial Judge.



7. Hence, these Civil Revision Petitions are disposed of and the learned Principal District Munsif, Tiruppur, is directed to dispose of the suit in O.S.No.221 of 2017 as expeditiously as possible. Consequently, connected Miscellaneous Petitions are closed. However, there is no order as to costs.

22.06.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri

To

The Principal District Munsif,
Tiruppur.



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R.N.MANJULA, J.

sri

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