



CRP No.1245 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

CORAM

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

CRP.No.1245 of 2015
and M.P.No.1 of 2015

Ramasamy

..Petitioner

Vs.

Valli

Rep. by her Power of Attorney
Subramanian

..Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 07.11.2014 passed in I.A.No.166 of 2014 in A.S.No.14 of 2013 on the file of the learned Additional Subordinate Judge, Puducherry and allow the above civil revision petition.

For Petitioner : Mr.N.Selvaraj

For Respondent : No appearance

ORDER

The civil revision petition has been filed as against the fair and decreetal order dated 07.11.2014 passed in I.A.No.166 of 2014 in A.S.No.14 of 2013 on the file of the Additional Subordinate Judge, Puducherry, thereby dismissing the petitioner filed under Order 41, Rule 27 of CPC r/w Section 151 of CPC to



adduce oral evidence by marking and exhibiting additional evidence in the appeal.

2. The petitioner is the defendant in the suit filed by the respondent. The respondent filed a suit for declaration and mandatory injunction. The said suit was decreed in his favour. Aggrieved by the same, the petitioner preferred an appeal suit. Pending the appeal suit, the petitioner filed a petition to permit him to let in additional evidence to mark additional documents on the ground that the trial Court failed to taken into account of Exs.B2 and B3 which are judgment and decree, passed by this Court in respect of the non-existence of common pathway. It also shows that the pathway meant exclusively for the petitioner. However, a part of the judgment was missing and as such, he could not produce the same before the Court below.

3. On perusal of records revealed that the judgment and decree passed by this Court are pertaining to some other property not related to the suit property. The trial Court had taken notice of the judgment of this Court which was marked as Ex.B2. Therefore, the said judgment is not at all relevant to the present case and the first Appellate Court rightly dismissed the application and this Court finds no infirmity or illegality in the orders passed by the Courts below.



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4. Accordingly, the civil revision petition stands dismissed. However, considering the fact that the appeal is of the year 2014 and as such, it is appropriate to direct the first Appellate Court to dispose of the suit within a period of three months from the date of receipt of a copy of the order, if not already disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.12.2022

Speaking/Non-speaking order

Index : Yes/No

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To

The Additional Subordinate Judge,
Puducherry.



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