



C.R.P.(PD).Nos.1028 & 1021 of 2022 and
C.M.P.No.5268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P (PD).Nos.1028 & 1021 of 2022 and
C.M.P.No.5268 of 2022

R.T.Giri

... Petitioner in both C.R.Ps

Vs.

1.M/s.Christ the King Church
Rep by its Parish Priest,
Rev.Fr.S.George Stephen
Thiruneermalai Road, Marian Compound,
Pammal, Chennai-75.

S.Dasan (died)

2.N.Shakila

3.N.Asha

4.The Sub Registrar,
Pammal, Chennai-75.

5.The Collector,
Kancheepuram District,
Kancheepuram.

6.D.Paslis

7.D.Susai Merit

8.D.Sagayapoongodi



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9.D.Antony Suresh

10.D.Arokia Helen

(respondents 2 to 10 given up to both C.R.Ps)

... Respondents in both C.R.Ps

PRAYER in both C.R.Ps : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 24.01.2022, passed in I.A.Nos.1 & 2 of 2020 in O.S.No.198 of 2013, on the file of Principal District Judge of Kancheepuram at Chengalpattu and allow these civil revision petitions.

In both C.R.Ps

For Petitioner : Mr.S.V.Vijay Prashanth

For Respondents : Mr.K.R.Muthuvisakan for R1
(undertakes to file vakalat)

COMMON ORDER

These civil revision petitions have been filed to set aside the fair and decreetal order dated 24.01.2022, passed in I.A.Nos.1 & 2 of 2020 in O.S.No.198 of 2013, on the file of Principal District Judge at Chengalpattu.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.



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3. The revision petitioner is the fourth defendant in the suit. The first respondent/plaintiff has filed a suit for declaration and permanent injunction. Pending suit, I.A.Nos.1 & 2 of 2020, have been filed to re-open and recall P.W.1 for the purpose of marking certified copy of the additional copy of the plaint and the said petitions were allowed. Aggrieved over the same, the fourth defendant has preferred this civil revision petition.

4. The learned counsel for the petitioner submitted that the first respondent/plaintiff had omitted to file a suit comprehensively by including the relief of recovery of possession as well; later, when he filed a petition to amend the plaint for including the relief of recovery of possession in I.A.No.1026 of 2018, the same was dismissed; however, the said order was not challenged; in order to escape from the defective frame of the suit, he corrected the words “*if at all*” in the place of “*further*” in paragraph No.13 of the plaint and tries to take advantage.

5. The learned counsel for the first respondent / plaintiff submitted that only in the interest of justice, the petitioner was given with the liberty to re-



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open the case and recall P.W.1 for the purpose of filing the certified copy of the additional copy of the plaint.

6. It is difficult to understand how one word would change the facts of the case in the given context of the other pleadings made by the plaintiff in the previous paragraphs of the plaint. However, both the original plaint and the additional copy of the plaint are the records of the Court and it is open to the learned Trial Judge to have a judicial notice of those documents or if needed, mark them as Court exhibits instead of recalling P.W.1 and cause further delay.

7. Hence, these civil revision petitions stand allowed and the order dated 24.01.2022, passed in I.A.Nos.1 & 2 of 2020 in O.S.No.198 of 2013, by the learned Trial Judge is set aside with a direction to the learned Trial Judge to dispose the suit as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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To
The Principal District Judge,
Chengalpattu.



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R.N.MANJULA, J

gsk

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