



C.R.P.(PD) No.1125 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM: JUSTICE N.SESHASAYEE

C.R.P. (PD) No.1125 of 2022 and
C.M.P. No.5814 of 2022

Mrs.C.Nagammal

... Petitioner

VS

The Madras Cemeteries Board
Rep. by its Secretary
having office at No.300/88
Kilpauk Garden Road
Kilpauk, Chennai - 600 010

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A. No.01 of 2020 in O.S. No.4597 of 2013 dated 06.03.2021 by the VIII Asst. Judge, City Civil Court (FAC) I Assistant Court, at Chennai.

For Petitioner : Mr.K.Balaji

For Respondent : Mr.T.N.Rajagopalan



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ORDER

The revision is preferred by the plaintiff in a suit for bare injunction in O.S. No.4597 of 2013, by which she challenges the order dated 06.03.2021 passed in I.A. No.1 of 2020 by the trial court, allowing the defendant to produce some documents after the completion of the cross examination. The grievance of the revision petitioner is that the trial is substantially completed and the documents are produced by someone, who is not even competent to produce the same.

2. It has to be understood that the trial court has ample discretionary powers with the frame work of procedures in conducting the trial, and in any event, if the trial court does anything within the ambit of its discretionary powers, it may not be interfered by this court in exercise of its power under Article 227 of the Constitution of India unless it injudiciously exercised as to affect the justice, involved in the cause. In this case, the trial court, in its wisdom has considered it necessary to receive certain documents, which are sought to be produced by the defendant. There is hardly any illegality or impropriety in the order. After all, the revision petitioner/plaintiff, will have the right of cross examination, and if need be, will also have the right to adduce rebuttal



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evidence in receipt of the documents that were produced. She also raised an issue of the competency of the one who now defends the defendant in the suit. This shows that they are alien to the present revision and let it be open to the revision petitioner to canvas the same during the final hearing of the suit.

3. The revision is disposed of accordingly. However, there is no order as to costs. Consequently, the connected civil miscellaneous petition is closed.

11.04.2022

Asr

To

VIII Asst. Judge, City Civil Court (FAC) I Asst. Court at Chennai



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N.SESHASAYEE, J.

Asr

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