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CRP.No.1340 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 1340, 1343 and 1344 of 2019

and

CMP.No.8775 of 2019

L. Sadhasiva Reddy

.. Petitioner
(In All petitions)

Versus

1. R. Lakshmi Ammal,
P. Subramaniam (Died)
2. R. Viswanathan
3. Malliga
4.S. Balaji
5. Ravikumar

...Respondents

Common Prayer: These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders dated 09.11.2018 made in I.A.No.366 of 2018, dated 12.11.2018 made in I.A. Nos.367 & 368 of 2018 all in O.S.No.16 of 2006 on the file of the Sub-ordinate Judge, Tiruvallur.



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CRP.No.1340 of 2019

For Petitioner : Mr. M.S. Subramanian

For Respondent-1 : Mr. K. Balaji

For Respondents 2-5 : No Appearance
(In all petitions)

COMMON ORDER

These Civil Revision Petitions have been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal orders dated 09.11.2018 made in I.A.No.366 of 2018, dated 12.11.2018 made in I.A. Nos.367 & 368 of 2018 all in O.S.No.16 of 2006 on the file of the Sub-ordinate Judge, Tiruvallur.

2. The petitioner herein is the 2nd defendant and the 1st respondent is the plaintiff in the original suit.

3. The 1st respondent/plaintiff filed a suit in O.S.No.16 of 2006 on the file of the Sub-ordinate Judge, Tiruvallur seeking for specific performance of contract and other consequential relief. The said suit was contested by the 2nd defendant by filing written statement that the alleged



sale agreement is only as security for loan transaction. During the pendency of the suit proceedings, the evidence of the plaintiff and defendants was recorded and the suit has been adjourned for arguments. At this stage, the 2nd defendant filed the Applications in I.A. Nos.366 to 368 of 2018 before the Court below seeking to receive and mark the documents received under the RTI Act, to reopen evidence and recall D.W.1 respectively. Having considered facts and circumstances of the case, the Trial Court dismissed the I.A.No.366 of 2018 by order dated 09.11.2018 and I.A. Nos.367 & 368 of 2018 by order dated 12.11.2018. Being aggrieved by the aforesaid dismissal orders, the 2nd defendant has filed the present Civil Revision Petitions to set aside the same.

4. The learned counsel for the petitioner would submit that the petitioner received information regarding the purchase of the Stamp paper with respect to the Re-conveyance Deed under the RTI Act and the said document is sought to be filed before the Trial Court since it is important document to prove that the Re-conveyance deed is false and fabricated one. While the stamp papers for sale deed are purchased at Manavala Nagar, Tiruvallur, the Stamp Paper for Re-conveyance agreement is



purchased from the Stamp Vendor at Periamet, Chennai. Hence, he seeks to mark the document received under the RTI Act, to prove the forgery and fabricated of Sale Agreement which is said to have been executed by the 2nd defendant/petitioner herein by re-opening and re-calling D.W.1 evidence. If the said document is not permitted to mark on the side of the defendant, the suit will be defeated. Hence, he prayed to set aside the findings of the Trial Court.

5. The learned counsel for the 1st respondent would submit that after completion of evidence on the side of the plaintiff and defendants, the case is being adjourned for arguments at the request of the 2nd defendant. At this belated stage, the petitioner seeks to mark the said document with the intention to protract the suit proceedings. The petitioner has filed the aforesaid interlocutory applications to fill up the lacuna while it has to be proved by other evidence. Hence, the Trial Court has rightly dismissed all the Interlocutory applications.

6. Heard the learned counsel appearing for both sides and perused the materials available on record.



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7. Having considered the facts and circumstances of the case and submissions of the learned counsel appearing for both sides, it is seen that the plaintiff has filed the suit in O.S. No.16 of 2006 on the file of the Sub-Ordinate Judge, Tiruvallur seeking for specific performance of Sale agreement dated 19.07.2004 and recovery of possession. However, the 2nd defendant denied the alleged execution of Sale Agreement with the plaintiff by filing written statement. Thereafter, the suit was framed and evidences were recorded on both sides. In the meanwhile, however, the petitioner herein has received the details of the stamp papers used for the execution of Sale Agreement and Re-conveyance deed by way of RTI Act to prove those are fabricated and forged one. As the plaintiff has sought for specific performance of Sale Agreement dated 19.07.2004 and recovery of possession, the 2nd defendant is entitled to prove the same as forged and fabricated one, by way of producing oral and documentary evidence even though it is belated one. Then only, the Trial Court would be able to adjudicate the issue of Sale Agreement, by examining the available documents whether it is forgery one or not. Therefore, the



reason assigned by the Trial Court in I.A. Nos. 366 to 368 of 2018 is

herebt set aside and all these Revision Petitions are allowed. Thus, the 2nd

T.V.THAMILSELVI, J.

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defendant is hereby permitted to mark the document sought by him and at the same time, the liberty is given to the plaintiff to raise her objection in regard to marking of document subject to proof and relevancy of document before the Trial Court. The Trial Court is hereby directed to dispose of the main suit in O.S. No.16 of 2006 within a period of three months from the date of receipt of copy of this order.

8. In the result, these Revision Petitions stand allowed. No costs.

Consequently, connected miscellaneous petition is closed if any.

11.10.2022

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Index : Yes/No

Speaking Order : Yes/No

To

1. The Sub-ordinate Judge, Tiruvallur.

2. The Section Officer, V.R.Section



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High Court, Madras.

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