



C.R.P(PD).Nos.1898 & 1899 of 2022

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.1898 & 1899 of 2022

and

C.M.P.Nos.9681 & 9680 of 2022

1.A.Shenbagalakshmi

2.S.Srinath

3.S.Srilakshmi

... Petitioners in both C.R.Ps

..Vs..

1.S.Arumugam

2.A.Sivaprakash

... Respondents in both C.R.Ps

Common Prayer:- Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decreetal orders dated 03.03.2022 passed in I.A.Nos.1 and 2 of 2021 in O.S.No.6037 of 2019 on the file of the XIX Additional City Civil Court, Chennai.

For Petitioner
in both C.R.Ps : Mr.K.M.Ramesh



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COMMON ORDER

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These civil revision petitions have been preferred challenging the orders of the XIX Additional City Civil Court, Chennai, dated 03.03.2022, made in I.A.Nos.1 and 2 of 2021 in O.S.NO.6037 of 2019.

2.The revision petitioners are the defendants in the suit. The respondents/plaintiffs have filed a suit for recovery of possession. During the pendency of the suit and after the cross examination of P.W.1, two petitions were filed by the plaintiff to reject the documents marked through P.W.1 as Exs.A3, A9 and A10 and receive additional documents and substitute them and mark them as Exs.A14 to A16 and the petitions were allowed. Aggrieved over that, the petitioners have preferred these revision petitions.

3.The learned counsel for the petitioners submitted that even at the time of filing of the plaint, in the list of documents, the documents which have been marked earlier were shown as original, but later, the petitions



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were filed to reject the documents for the reason that they were only xerox copies of the plaint; and later at their whims wanted to substitute the documents sought to be marked as Exs.A14 to A16; by doing such an exercise, they have just played fraud before the Court with a view to fill in the gaps in the cross examination.

4.On perusal of the records, though it is seen that the plaintiffs had remarked the documents as original in the list. In reality, they are only xerox copies. Subsequently, the plaintiffs filed a petition to receive the originals and marked them as Exs.A14 to 16.

5.The contention of the respondents is that the documents which have been marked as Exs.A3, A9 and A10 are only xerox copies and that will not have any evidentiary value and that is why the substituted Exs.A14 to A16.



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6.The learned counsel for the petitioners submitted that though it is claimed by the respondents that the new documents are originals of the xerox copies of the documents marked earlier as Exs.A3, A9 and A10, there are differences in the originals now sought to be produced and further the respondents had attributed the mistake on the part of the Court. The Court itself has rendered a finding that due to oversight the predecessor in office had marked the documents Exs.A3, A9 and A10 without noticing that the same were not duly signed.

6.Having recorded the said decision, the Court looking at to receive the documents which sought to be produced as Exs.A14 to 16, even if the respondents made false allegations against the Court, the Court could not have admitted its mistake. The order of the Court only reads that the error of the Court is rectified by way of receiving the originals and marked them. However, if there are any palpable difference between the original and xerox copy, the petitioner is at liberty to confirm the same with P.W.2 when he is cross examined by them, since



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that will save the interest of the defendants as well. I do not find any ground for interference.

7. Accordingly, these Civil Revision Petitions are dismissed and the order of the learned XIX Additional Judge, City Civil Court, Chennai, dated 03.03.2022 passed in I.A.Nos.1 and 2 of 2021 in O.S.No.6037 of 2019, are hereby confirmed. No costs. Consequently, connected Miscellaneous Petition are also closed.

22.06.2022

vkf

Index: Yes No

Speaking Order: Yes/No

To

1. The XIX Additional Judge,
City Civil Court, Chennai.
2. The Section Officer,
VR Section, Madras High Court,
Chennai.

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R.N.MANJULA,J.

Vkr

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