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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) Nos.2637, 2643 & 2644 of 2022
and C.M.P. Nos.13621, 13702 & 13704 of 2022

1.Dr.K.Ramani

2.K.Rohini

Rep. by their POA agent namely

3.N.Jeyachandran

...

Petitioners /
Plaintiffs
[in all CRPs]

versus

G.S.Anandraj

...

Respondent /
Defendant
[in all CRPs]

COMMON PRAYER: Civil Revision Petitions have been filed under Article 227 of the Constitution of India, against the fair and decreetal orders dated 11.03.2022 made in I.A.Nos.1 to 3 of 2020 in O.S.No.2733 of 2016 on the file of the learned I Assistant Judge, City Civil Court, Chennai respectively.

For Petitioners
[in all CRPs]

: Mr.D.Parthasarathy



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COMMON ORDER

These Civil Revision Petitions have been preferred challenging the common order of the learned I Assistant Judge, City Civil Court, Chennai dated 11.03.2022 made in I.A.Nos.1 to 3 of 2020 in O.S.No.2733 of 2016.

2. The revision petitioners are the plaintiffs. The suit was filed by the petitioners / plaintiffs against the respondent / defendant for the relief of permanent injunction. After the trial was over and the case has reached the stage of arguments, the revision petitioners have filed the above three petitions to reopen, to recall P.W.1 and to receive additional documents and all the three petitions were dismissed by a common order dated 11.03.2022. Aggrieved over that, the plaintiffs have filed these Civil Revision Petitions.

3. The learned counsel for the revision petitioners submitted that the defendant's witness namely D.W.3 has stated during his examination that he is the adjacent owner of the suit property and it is an utter lie; in view of the evidence of D.W.3 through which the defendant intended to give a new



colour to the proceedings and it has become inevitable to the plaintiffs to produce additional documents. It is further submitted that the defendant has produced a patta and claimed that the patta for the suit property stands in the name of some third party. There are some discrepancies in the patta and that also be established now by way of producing additional documents.

4. Admittedly, the suit is for permanent injunction. Basing on the averments made by the revision petitioners / plaintiffs that they are in possession of the suit property. The property over which D.W.3 claims to be having title does not relate to the suit property. Hence the revision petitioners need not to establish that D.W.3 does not have any property in the neighbourhood. The rest of the documents are the basic documents on which patta for the suit property is given in the name of some third party.

5. The plaintiffs who have filed the suit had got the burden to prove their lawful possession in the suit property by establishing their title or possession. All the documents which the revision petitioners now sought to be produced before the Court were all seen to be possessing the dates prior to



the suit except the document no.9. Despite that the plaintiffs did not state any reason as to why they did not produce the documents along with the plaint.

6. The only submission now made by the learned counsel for the petitioners is that there are certain discrepancy in the records which supported the patta claimed to be the name of the third party. Admittedly, the third party in whose name the patta is alleged to be standing is a party to the proceedings. Neither the patta is seen to have got challenged any way nor the relief claimed in the suit also does not state anything about the authenticity of the alleged patta. Having filed the plaint for the relief of permanent injunction, the revision petitioners cannot be allowed to stretch and establish facts which are not related or which would create a fresh cause of action for some other suit. The learned trial Judge has rightly dealt the issue, which in my opinion does not call for any interference.

7. In view of the above stated reasons, these Civil Revision Petitions are dismissed and the common order dated 11.03.2022 passed by the learned I Assistant Judge, City Civil Court, Chennai in I.A.Nos.1 to 3 of



2020 in O.S.No.2733 of 2016 is hereby confirmed. Consequently, connected

Miscellaneous Petitions are closed. No costs.

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23.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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To

The I Assistant Judge, City Civil Court, Chennai.



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and C.M.P. Nos.13621, 13702 & 13704 of 2022



R.N.MANJULA, J.

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R.N.MANJULA, J.

These matters have been listed today under the caption "for being mentioned" at the instance of the learned counsel for the petitioners.

2. It is seen that in the cause title of the order dated 23.08.2022, there is a typographical omission in the second petitioner's name. Since the very same mistake had been caused in the cause title of the lower Court, the same appears to have occurred in the cause title of this order also. Since it is a clerical mistake, it is liable to be rectified.

3. In view of the above, in the cause title, the second petitioner name should be read as "**K.Rohini, Rep. by their POA agent namely, N.Jeyachandran**" instead of "K.Rohini, Rep. by their POA agent namely,"

4. Registry is directed to carry out the same and issue a fresh copy of the order to the parties concerned.

01.11.2022

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