



C.R.P.(PD)No.4239 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4239 of 2014
and M.P.No.1 of 2014

Dasarathan

.. Petitioner

Vs.

1.P.S.Gnanadoss @ Pappaiyan

2.Ilangovan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 19.09.2014 made in I.A.No.396 of 2014 in O.S.No.297 of 2004 on the file of the District Munsif Court, Ambur, Vellore District.

For Petitioner : Mr.C.Parthiban
for Mr.M.V.Krishnan
For respondents : No appearance



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ORDER

(The matter is heard through “Video-conferencing”)

Civil Revision Petition is filed against the fair and decretal order dated 19.09.2014 made in I.A.No.396 of 2014 in O.S.No.297 of 2004 on the file of the District Munsif Court, Ambur, Vellore District.

2.The petitioner is plaintiff in O.S.No.297 of 2004 on the file of the District Munsif Court, Ambur, Vellore District. He filed the said suit for declaration, permanent injunction and recovery of possession against the respondents. The 1st respondent filed written statement. The trial commenced. The petitioner examined three witnesses as P.W.1 to P.W.3 and they were cross-examined. At that stage, the petitioner filed present I.A.No.396 of 2014 under Order VII Rule 14(3) of C.P.C., for leave to file additional documents mentioned therein.

3.According to the petitioner, those documents were marked in another suit and he got return of documents only few days before filing of



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the present application. The delay in filing the said documents is neither wilful nor wanton and prayed for allowing the application and permitting the petitioner to file those documents.

4.The respondents filed counter affidavit and denied all the averments made in the application and stated that suit relied on by the petitioner was dismissed long back and nothing prevented the petitioner from getting back those documents earlier to his examination. The petitioner has already filed one application to receive some of the documents. Even along with that documents, the petitioner has not chosen to file present documents, which shows that the petitioner wantonly delaying the proceedings by filing one petition after another. The reason given by the petitioner is not sufficient. The petitioner has not stated through whom he is going to mark those documents and prayed for dismissal of the said application.



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5.The learned Judge considering the averments in the affidavit and counter affidavit, dismissed the application holding that the petitioner has not stated through whom he is going to mark the documents.

6.Against the said order of dismissal dated 19.09.2014 made in I.A.No.396 of 2014 in O.S.No.297 of 2004, the petitioner has come out with the present Civil Revision Petition.

7.Though notice has been served on the respondents and their names are printed in the cause list, there is no representation for them either in person or through counsel.

8.Heard the learned counsel appearing for the petitioner and perused the entire materials on record.

9.From the materials on record, it is seen that the petitioner has sought for leave under Order VII Rule 14(3) of C.P.C., to file additional



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documents in the suit. According to the petitioner, those documents were marked in another suit and he received those documents from the Court only few days before filing of the present application. The petitioner has not stated anything in the affidavit that in which suit, he has filed these documents and when the said suit has attained finality. Further, the petitioner has not stated any reason for not including those documents before commencement of trial or at that time, when he filed earlier application for leave to file documents. On the other hand, the respondents have stated in the counter affidavit that another suit referred to by the petitioner in the application was dismissed long back. The petitioner has not disputed the said averments by filing reply to the same.

10.The issue at what stage, the Court can grant leave to file additional documents came up for consideration before the Hon'ble Apex Court in **(2013) 14 SCC 612 (Kapil Kumar Sharma vs. Lalit Kumar Sharma and another)**. The facts of the case in the judgment referred to above is that the learned Single Judge of the High Court on its Original



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Side (trial Judge) dismissed the applicant's application for leave to file the documents. The applicant filed appeal before the Division Bench of Delhi High Court and the Division Bench of Delhi High Court dismissed the appeal on the ground that as matters were ready for hearing and at the stage of cross-examination. The said order was taken on file by the Hon'ble Apex Court. The Hon'ble Apex Court allowed the application as cross-examination has not yet commenced. In the present case, three witnesses were examined and cross-examined. The petitioner has filed application at the belated stage after examination of chief and cross-examination of three witnesses on his behalf. Further, the petitioner has also not stated as to why he has not filed these documents along with earlier application filed by him for leave to file documents. In view of the judgment of the Hon'ble Apex Court and earlier order in the application, the present application filed by the petitioner is not maintainable and is liable to be dismissed and is hereby dismissed.



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11.In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No

Internet: Yes/No

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To

The District Munsif

Ambur, Vellore District.



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V.M.VELUMANI,J.

Kj

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