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C.R.P.No.2531 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2022

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

C.R.P.No.2531 of 2022

R.Dinakaran

... Petitioner/Petitioner/Plaintiff

Vs.

1.Mrs.Rajathi

2.G.Jashwanth Raj

... Respondents/Respondents/Defendants

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of dismissal dated 06.07.2022 passed in I.A.No.5 of 2021 in O.S.No.952 of 2019 pending on the file of XV-Asst. City Civil Court Chennai and consequently recall the witness PW-1 and allow him to mark the further exhibits in the suit.

For Petitioner : Mr.K.Vaidhyanathan

For Respondents : Mr.Prakash for
Mr.J.Santhamilarasu



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ORDER

The Civil Revision Petition is filed challenging the fair and decretal order dated 06.07.2022, passed in IA.No.5 of 2021, in O.S.No.952 of 2019.

2. The revision petitioner is the plaintiff who instituted a suit for injunction. During the pendency of the suit, the petitioner filed an interlocutory application in I.A.No.5 of 2021 to recall PW-1 for marking other documents. Thus, it is very clear that certain documents were already marked through PW-1, and for the marking of other documents, the interlocutory application was filed to recall PW-1.

3. In the context of the petition, the Trial Court found that PW-1 was examined in chief in 13.02.2020 and again on 22.02.2021. At that point of time, Ex.A-1 to A-7 were marked on the side of the plaintiff. Thereafter, again from 22.02.2021 to 29.11.2021, for about 9 months, opportunity was



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granted to the plaintiff to mark further documents or otherwise. Thereafter, the Interlocutory application was filed to recall the PW-1 for marking further documents.

4. The Trial Court found that the details of the documents sought to be marked are not mentioned in the petition filed by the revision petitioner/plaintiff. The relevance of the documents with reference to the relief sought in the suit has also not been stated. In the absence of such details, the Trial Court rejected the Interlocutory application.

5. This Court is of the considered opinion that the Court cannot recall a witness merely based on certain blanket averments set out in the Interlocutory application. The reason for marking further documents, and the relevance of the documents with reference to the issues framed are to be stated merely for the purpose of considering such relief.

6. In the present case, the petitioner has not provided any detail regarding the documents proposed to be marked as further documents, and



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further the relevance or otherwise also was missing in the petition. Thus, this Court does not find any infirmity or perversity in respect of the order passed by the Trial Court for the Interlocutory application.

7. Accordingly, the civil revision petition stands **dismissed**. No costs.

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14.12.2022

Index:Yes
Internet:Yes
Speaking Order

To

1. XV-Asst. City Civil Court Chennai.



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S.M.SUBRAMANIAM.J.,

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