



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM:

THE HON'BLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.3542 of 2022

and

C.M.P.No.18851 of 2022

D.Bridget @ Mary Bridget

... Petitioner

Versus

Uma

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Fair and Decretal order dated 05.08.2022 in I.A.No.2 of 2021 in O.S.No.180 of 2015 on the file of Additional District Munsif, Kancheepuram.

For Petitioner : Mr.P.Meenakshi

For Caveator : Mr. D. Murthy

ORDER

This Civil Revision Petition is filed challenging the order passed by the court below dismissing the petition filed by the revision petitioner seeking to produce the additional documents.



2. The petitioner herein has filed a suit for bare injunction against the respondent in O.S.No.180 of 2015 in I.A.No.2 of 2021 seeking leave of the court to produce the additional documents along with the plaint. In the affidavit filed in support of the said application, it was stated that subsequent to the filing of the suit, the petitioner had been selected to the benefit of subsidy under "Swachh Bharat Mission" Scheme granted by the Central Government of India and after obtaining the possession, subsidiary amount of Rs.8000/- has been issued to the petitioner through cheque No.615 dated 22.09.2016 drawn in ICICI Bank. The petitioner had produced the cheque issued in her favour along with passbook and Original photograph of constructed premises under the said Scheme, property and water tax receipts from the year 2016-2017 to 2021 - 2022 as additional documents in support of her claim.

3. The court below dismissed the application filed by the petitioner mainly on the ground that there were certain discrepancies with regard to the property relating to which those additional documents were issued. The relevancy of the documents can be ascertained only at the time of final disposal of the suit and the same cannot be considered while considering the petition for production of additional documents. It is stated by the petitioner



that she has already produced certain documents to protect her prima facie case. The relevancy of documents now sought to be produced can be decided at the time of final disposal. Those additional documents shall be permitted to be produced to enable her to prove the relevancy before the court and also her plea that she has been in continuous possession and enjoyment of the suit property. The allowing of the application to produce the additional documents will no way cause prejudice to the respondent and the respondent is at liberty to cross examine the witnesses with regard to the relevancy of the documents. Therefore, the order passed by the court below in the interlocutory application is set aside.

4. In the result, the Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

22.11.2022

Internet: Yes
Index: Yes/No
gv



WEB COPY



S.SOUNTHAR, J.

gv

To

The Additional District Munsif,
Kancheepuram.

C.R.P.No.3542 of 2022

and

C.M.P.No.18851 of 2022

22.11.2022