



C.R.P.(P.D).No.3990 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2022

CORAM

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

C.R.P.(P.D) No. 3990 of 2022

G.Jaganatha

...Petitioner/
1st Respondent/Petitioner/3rd Defendant

Vs.

1. M/s.Plaza Propeties Limited,
Rep. by its managing Director,
Shyam Prasad,
No.9, Beema Sena Garden Street,
1st Floor, Mylapore, Chennai-4.
Smt.U.Hemalatha (Deceased)

...Respondent/
Petitioner/1st Respondent/Plaintiff

2. The District Registrar South,
Saidapet.

...Respondent/
5th Respondent/4th Respondent/4th Defendant

3. The Sub Registrar,
East Coast Road,
Neelankarai.

... Respondent/
2-4 Respondents/5th Respondent/4&5 Defendants

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 24.08.2022 passed in



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I.A.No.654/2019 in I.A.No.449/2018 in O.S.No.225/2008 on the file of
Learned Principal District Munsif, Alandur by allowing the present revision.

For Petitioner : Mr.T.Surendran

For Respondent : Mrs.Sandhya for R1

ORDER

The Civil Revision Petition is filed to set aside the order dated 24.08.2022 passed in I.A.No.654 of 2019 in I.A.No.449 of 2018 in O.S.No.225 of 2008.

2.The revision petitioner is the 3rd defendant in the suit. The 1st respondent is the plaintiff, who instituted a suit for injunction. An Interlocutory Application was filed by the plaintiff under Order VII Rule 14 (3) of the Code of Civil Procedure, to receive documents as mentioned in the petition and permit the plaintiff to mark those documents.

3.The Trial Court adjudicated the issues and made a finding that the suit for the relief of permanent injunction restraining the defendants 1 to 3,



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their persons from alienating or otherwise encumbering the said suit schedule property by registered sale document or any other document or documents in the office of the defendants 4 and 5, and for permanent injunction restraining the defendants from interfering with their peaceful possession. The suit was instituted in the year 2015 and was posted along with the connected suit in O.S.No.628 of 2008. During the pendency of the suit, the 3rd defendant filed a petition under Order VII, Rule 11 of CPC to reject the plaint in OS.No.225 of 2008 and that said petition is pending for arguments. At that juncture, the Interlocutory Application is filed to receive the documents and permit the plaintiff to mark the same.

4.The reason assigned by the plaintiff to receive the documents was to establish their case. The petitioner has stated that those documents are essential to prove the case of the petitioner. The documents are general power of attorney, sale deeds, decrees in OS.No.4 of 2006, 2 of 2006 and common judgement in O.S.No.2 and 4 of 2006, decree and judgement and A.S.No.60 of 2010 in O.S.No.2 of 2006 and Decree and Judgement in A.S.No.56/2010 in O.S.No.4 of 2006.



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5.Considering the nature of the documents presented by the plaintiff and considering the counter affidavit filed by the defendants, the Trial Court formed an opinion that the plaintiff should be given an opportunity to produce all the documents, and merely receiving the documents would not prejudice the other parties. The Trial Court in clear terms held that the proposed documents will be received subject to marking, admissibility and relevancy.

6.Therefore, the revision petitioner should get an opportunity to defend his case by availing the opportunities. Contrarily, he cannot contend that the petitioner shall not be permitted to mark those documents. All objections may be placed before the Trial Court during the relevant point of time when the trial is undertaken. This Court is of the considered opinion that such revision petitions are filed unnecessarily and probably with the idea to prolong the suit. The Court cannot encourage such ideas of the litigants and if any unnecessary applications are filed with an ill motive to increase the longevity of the litigation or to frustrate the litigation, then the maximum cost under the Code of Civil Procedure is to be imposed on such litigant at all circumstances and the Courts are also expected to dispose of those cases as expeditiously as possible.



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7. With these observations, this Civil Revision Petition stands **dismissed**. However, there shall be no order as to costs.

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Index: Yes
Internet: Yes
Speaking Order: Yes

To

1. Principal District Munsif,
Alandur



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S.M.SUBRAMANIAM.J.,

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