



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.PD.No.302 of 2017

and

C.M.P.No.1399 of 2017

1.V.Govindaswamy

2.G.Amirthavalli

... Petitioners

Vs

V.Perumal

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 07.12.2016 made in I.A.No.1233 of 2016 in O.S.No.284 of 2009 on the file of the District Munsif Court, Tambaram.

For Petitioners

..

Mr.A.Muthuraman

For Respondent

..

Mr.V.Candrakanthan

ORDER

The defendants in O.S.No.284 of 2016 are the revision petitioners

herein. The said suit is now pending on the file of the District Munsif



Court, Tambaram. The respondent / plaintiff had instituted the suit, seeking the relief of declaration that he is the absolute owner of the suit property and also for possession and also for declaration that a sale deed executed intervivos the revision petitioners / defendants is null and void. The suit properties is situated at Peerankaranai Town Panchayat in Tambaram Taluk. It is land and building. PW-1 / respondent had been examined. Thereafter, he had filed IA No.1233 of 2016 seeking permission under Order VII Rule 14(3) of CPC to introduce further documents and to examine as PW-2, his brother.

2. Learned counsel for the revision petitioners took the Court through the affidavit filed in support of the said petition. The nature of the document or details of the document or the description of the document was not given. It was also not stated as to how the document was relevant to the issues raised in the suit. In the petition, as a schedule, the document was disclosed and it was a patta in the name of the proposed PW-2/Chakrapani/brother of plaintiff.

3. It is the grievance of the learned counsel for the petitioners herein that the said document is not at all relevant to decide the issues raised in the suit.



4. However, the learned District Munsif Tambaram had allowed the said application and had permitted the document to be marked through PW-2.

5. The said document / patta remains a document and becomes evidence only when it is adjudicated to be admissible, relevant and is proved in manner known to law and is genuine. If the document is not relevant, even if it is given an exhibit number, the learned District Munsif Tambaram, will be at liberty not to take it into consideration at the time of deciding the issues while pronouncing the judgment.

4. Therefore, I would call upon the learned District Munsif, Tambaram to bestow attention on the said document namely, patta in the name of Chakrapani and determine whether the patta relates to the property which is the subject matter of the litigation and determine whether the patta in the name of Chakrapani would be of any help to the plaintiff / respondent herein and thereafter, if the document is not relevant, state so in the judgment and if it is relevant, state so in the judgment and give reasons for the same.



5. With above observations, the present Civil Revision Petition is disposed of. Both the revision petitioners and the respondent are requested to go back to the trial Court and recommence the trial and endeavour to assist the learned District Munsif at Tambaram to dispose it of at the earliest. An obligation is placed that the suit should be disposed of on or before 31.12.2022. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

21.02.2022

Internet: Yes/No

Index: Yes/No

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To

The Court of District Munsif, Tambaram.



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C.V.KARTHIKEYAN, J.

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