



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P (MD) No.252 of 2022

C.M.P (MD) .No.1100 of 202

S.D.Chinnadurai

... Petitioner/Petitioner/
7th Defendant

Vs.

1.Rakesh Gupta
2.Kamatchi
Sivalingam (Died),
3.Selvaraj
4.Alagulakshmi
5.K.Malathi @ Malavathi
6.S.K.Muthuramalingam
7.S.D.Rajnarayan
8.The Canara Bank,
Thoothukudi Brach,
Through its Branch Manager,
Thoothukudi.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and Decreetal order passed in I.A.No.787 of 2019 in O.S.No.252 of 2014 dated 01.10.2021 on the file of the District Munsif Court, Kovilpatti.

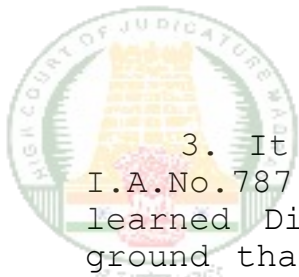
For Petitioner

:Mr.S.Meenakshi Sundaram
Senior Advocate

ORDER

This Civil Revision Petition has been filed to set aside the order passed in I.A.No.787 of 2019 in O.S.No.252 of 2014 on 01.10.2021 by the District Munsif Court, Kovilpatti.

2. The learned counsel appearing for the petitioner submits that the trial Court ought to have allowed the petition filed in I.A.No.787 of 2019 in O.S.No.252 of 2014 to receive the additional documents as the petitioner has not cross-examined P.W.1. The Court below, without going into the pleadings of the additional written statement and enclosure of 35 documents, rejected the application filed by the petitioner on the ground that the petitioner has already examined the P.W.1. Hence, the present petition has been filed.



3. It appears that the application filed by the petitioner in I.A.No.787 of 2019 in O.S.No.252 of 2014 was dismissed by the learned District Munsif Judge, Kovilpatti, on 01.10.2021, on the ground that P.W.1 was already examined by other defendants and the petitioner has not stated any reason to file the additional written statement, at the earliest stage. However, from the submissions made by the learned counsel for the petitioner, it is seen that P.W.1 has not yet been cross-examined by the petitioner and the petitioner has produced 35 documents along with written statement to defend his case, which are relevant with the suit property. But, the trial Court, without considering the above documents filed by the petitioner, rejected the petition. The documents filed by the petitioner are necessary to decide the issue in suit and prove the pleadings of him. Further, the suit is for declaration and recovery of possession. Hence, this Court is inclined to allow the Civil Revision Petition and the order passed in I.A.No.787 of 2019 in O.S.No.252 of 2014 is set aside.

4. The learned District Munsif Judge, Kovilpatti, is directed to receive the additional written statement and other documents, if any filed by the petitioner, and give sufficient opportunity to file reply statement to the plaintiff and proceed with the case, as per the Rules in-force. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

The District Munsif,
Kovilpatti.

+1 CC to M/s.R.T.ARIVUKUMAR, Advocate (SR-6249[F] dated
15/02/2022)

C.R.P(MD)No.252 of 2022
15.02.2022

MGJ(01.03.2022) 2P 3C