



CRP(PD)(MD)Nos.673 to 675 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)Nos.673 to 675 of 2022

N.Seenivasan

... Petitioner in all
CRPs.

versus

A.R.Nagappan

... Respondent in all
CRPs.

Prayer in CRP(PD)(MD)No.673 of 2022: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 21.02.2022 made in I.A.No.2 of 2021 in O.S.No.1799 of 2009 on the file of the First Additional District Munsif, Tiruchirappalli.

Prayer in CRP(PD)(MD)No.674 of 2022: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 21.02.2022 made in I.A.No.3 of 2021 in O.S.No.1799 of 2009 on the file of the First Additional District Munsif, Tiruchirappalli.

Prayer in CRP(PD)(MD)No.675 of 2022: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the



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fair and decreetal order dated 21.02.2022 made in I.A.No.4 of 2021 in O.S.No.1799 of 2009 on the file of the First Additional District Munsif, Tiruchirappalli.

For Petitioner in
all CRPs. : Mr.C.Jeyaprakash
For Respondent in
all CRPs. : Mr.J.Anand Kumar

COMMON ORDER

These Civil Revision Petitions are filed against the common order dated 21.02.2022 made in I.A.Nos.2, 3 and 4 of 2021 in O.S.No. 1799 of 2009 on the file of the learned First Additional District Munsif, Tiruchirappalli.

2. The petitioner herein is the defendant in O.S.No.1799 of 2009. The said suit was filed by the respondent herein for declaration and permanent injunction. In the said suit, the plaintiff side evidence was closed on 10.02.2021, the defendant side evidence was closed on 11.11.2021 and the plaintiff side arguments were also heard on 02.12.2021 and when the suit was posted for the defendant side



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arguments, the defendant/petitioner herein filed interlocutory applications in I.A.Nos.2, 3 and 4 of 2021, seeking to reopen the case, recall the evidence of the petitioner and receive two additional documents, namely, a certified copy of the legal heir certificate of one Sundarambal dated 07.02.2000 and another legal heir certificate of N.S.Subramanian. However, the trial Court, by common order dated 21.02.2022, dismissed the above applications. Aggrieved over the same, these Civil Revision Petitions are filed.

3. The learned counsel appearing for the petitioner submits that the documents, which are sought to be marked, are vital to resolve the suit proceedings. But, the trial Court, without considering the same, dismissed the applications that these documents are sought to be marked as Exhibits with an intention to fill up the lacuna. The learned counsel further submits that in fact, the legal heir certificates of the deceased Sundarambal and deceased N.S.Subramanian were marked as exhibits, however, the dates specified therein were not clear, therefore,



in order to clarify the same, the present applications were filed to mark those documents.

4. The learned counsel appearing for the respondent submits that these applications were filed in order to fill up the lacuna and that too after the plaintiff's argument was over, which cannot be allowed. Therefore, there is no reasons to interfere with the same.

5. Heard both sides and perused the materials available on record.

6. It is seen that after the plaintiff side evidence was over, the defendant was provided with sufficient opportunities and thereafter, the defendant side evidence was closed only on 11.11.2021. At the time of evidence, the defendant/petitioner herein had already marked a certified copy of the legal heir certificate of Sundarambal before the trial Court and the same was marked as Ex.B4. At the time of arguments, the



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plaintiff has raised certain objections with regard to the document (Ex.B4) relied upon by the defendant. Therefore, as a clarification, the defendant/petitioner herein has filed these applications to mark, once again, another certified copy with regard to the legal heir certificate of Sundarambal, which has already been marked as Ex.B4. Therefore, the trial court has rightly dismissed the above applications and there is no reason to interfere with the same.

7. Accordingly the Civil Revision Petitions are dismissed. No costs.

8. Since the suit is of the year 2009, the trial Court is directed to dispose of the suit, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

26.08.2022

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B.PUGALENDHI, J.

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To

1. The First Additional District Munsif,
Tiruchirappalli.

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