



CRP. No. 669 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 669 of 2022
and CMP No. 3420 of 2022

E.Gopal

...Petitioner

Vs.

1.E.Rajabather
2.The District Collector,
Tiruvallur Collector Office,
Tiruvallur District.
3.The Tahsildar
Poonamallee Taluk Office,
Poonamallee Taluk

....Respondents

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.12.2021 made in I.A No. 496 of 2021 in O.S No. 495 of 2014 on the file of the Principal District Munsif, Poonamallee.

For Petitioner : Mr.R.Prabakar

For R1 : Mr.N.Sivaprakash

For R2 and R3 : Mr.V.Jeevagindharam



CRP. No. 669 of 2022

ORDER

WEB COPY This petition has been filed to set aside the fair and decreetal order dated 04.12.2021 made in I.A No. 496 of 2021 in O.S No. 495 of 2014 on the file of the Principal District Munsif, Poonamallee.

2. The petitioner herein filed I.A No. 496 of 2021 in O.S No. 495 of 2014 on the file of the Principal District Munsif, Poonamallee, to recall the D.W.1 for marking of documents as first defendant side evidence. Considering the submissions on either side, the Trial Court dismissed the said application stating that already sufficient opportunities were given to the petitioner to mark those documents and to drag on the proceedings the petitioner filed this petition. Challenging the same the petitioner filed this petition.

3. Heard the submissions made by the both side counsels.

4. Considering the fact of the case, the petitioner's submission is that his mother was already filed a suit for permanent injunction before the same Court as against the plaintiff/first respondent. But now only petitioner received the copy of the said suit. Hence, in order to disprove the plaintiff's/first respondent's claim the petitioner wants to files those documents. This court is of the view that marking of the said document



CRP. No. 669 of 2022

would not change the character of the suit. Therefore, the order passed by the Trial Court in I.A No. 496 of 2021 in O.S No. 495 of 2014 is set aside.

Thus, I.A No. 496 of 2021 is allowed. Further, considering age of the parties, the Trial court is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this order.

5. In the result, this Civil Revision Petition is Allowed. No Cost. Consequentially, connected miscellaneous petition is closed.

13.12.2023

pbl

To

1. The Principal District Munsif, Poonamallee.



WEB COPY



CRP. No. 669 of 2022

T.V.THAMILSELVI,J.

Pb1

CRP No. 669 of 2022
and CMP No. 3420 of 2022

13.12.2023