



C.R.P.Nos.683, 672 & 679 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE Mrs.JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 683, 672 & 679 of 2023

and

C.M.P. No. 5394 of 2023

1.Chinthamani
2.Vijalakshmi

.. Petitioners
in all the CRPs

Vs

1.Kalyani

Kamala (deceased)

2.Rajakumari
3.Susila

.. Respondents
in all the CRPs

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order and decretal order in I.A.Nos.1, 2 & 3 of 2022 in O.S.No.51 of 2013 dated 08.12.2022 on the file of the Additional District Munsif, Ulunthurpet.

For Petitioners : Mr. M. Muruganantham
For Respondents : Mr. P. Sundararajan



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COMMON ORDER

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These Civil Revision Petitions are filed challenging the impugned order passed in I.A.Nos.1, 2 & 3 of 2022 in O.S.No.51 of 2013, dated 08.12.2022 on the file of Additional District Munsif, Ulunthurpet to receive the petitioners / plaintiffs side additional documents; (ii) to re-open the petitioners / plaintiffs side evidence which is closed on 02.04.2019 and (iii) to re-call P.W.1 evidence.

2. All the applications were dismissed by the trial Judge holding that to fill up the lacuna, the plaintiffs are not entitled to produce the documents. The suit is pending from the year 2013 and at the time of the trial stage, they want to produce sale deed, as such is not permissible and no proper reason was assigned for non production of the document much earlier.

3. Challenging the said finding, the petitioners have preferred this revision.



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4. The learned counsel appearing for the petitioners submitted that though the suit was filed in the year 2013, now only the trial was commenced, at that time they want to produce the sale deed dated 16.06.1983 in order to establish that they are having claim over the property. But the same was denied by the trial Judge. Hence, prayed to set aside the findings in I.A.Nos.1, 2 & 3 of 2022.

5. The learned counsel appearing for the respondents submitted that the suit was filed in the year 2013 but after 7 years they approached the Court by filing a new document, as such is not permissible under law.

6. Admittedly, the first petitioner is more than 52 years old lady, wants to produce the document of the year 1983, nearly about 40 years old document. If the document is not permitted to be produced, their valid right to defend the case will be defeated. Therefore, the order passed by the trial Judge in I.A.Nos.1, 2 & 3 of 2022 in O.S.No.51 of 2013 is set aside. The petitioners are directed to produce document before the trial Court within



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two weeks from the date of receipt of copy of this order and both the parties are directed to cooperate for the trial proceeding.

7. In the result, the Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

06.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To
The Additional District Munsif, Ulunthurpet.



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T.V.THAMILSELVI, J.

AT

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