



C.R.P.Nos.1390, 1392, 1399 and 1403 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

**CORAM
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

**C.R.P. Nos.1390, 1392, 1399 and 1403 of 2022
and C.M.P.Nos.7260, 7263, 7280 and 7289 of 2022**

1. Munisamy
2. Janardhanan
Bala (Died)
3. B.Vanitha
4. B.Dinesh
5. B.Aravindh

.. Petitioners in all petitions

Vs

Anjalatchi
W/o.Vadivel Kounder
No.600 VazhudavurMain Road,
Dharmapuri, Pondicherry -9
Rep by her Power Agent
Rajakumar
S/o.Late Vadivel Kounder

...Respondent in all petitions

Common Prayer : Civil Revision Petitions filed under Article 227 of Constitution of India praying, to set aside the order and decretal order passed in I.A.Nos.713, 712, 714 and 715 of 2018 respectively in O.S.No.636 of 2000 dated 23.12.2021 by the learned I Additional District Munsif, Pondicherry.

For Petitioners : Mr.B.Balavijayan
(in all petitions)
For Respondent : Mr.T.S.Baskaran
(in all petitions)



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COMMON ORDER

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These Civil Revision Petitions have been filed by the petitioners, challenging the impugned order passed by the learned I Additional District Munsif, Pondicherry, made in I.A.Nos.713, 712, 714 and 715 of 2018 in O.S.No.636 of 2000 dated 23.12.2021.

2. The revision petitioners herein are the defendants in the suit in O.S.No.636 of 2000 filed by the plaintiff/respondent for the relief of declaration and mandatory injunction and other consequential reliefs.

3. Now, the defendants contested the suit and the same was posted for arguments, after examination of the witnesses on both sides. In the meanwhile, the plaintiff filed the applications in the month of September 2018 and the said applications were strongly objected by the defendants. The contention of the defendants that there is no existence of any such common passage as claimed by the plaintiff and the defendants at no point of time were using the common passage as identified by the plaintiff in the suit 'B' schedule mentioned property and dragging on the proceedings, the plaintiff filed all these applications to fill up the lacuna, after examination of the witnesses.



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4. On hearing both sides, the trial Court had allowed the applications.

Challenging the said order, the defendants have preferred these Civil Revision Petitions before this Court.

5. The learned counsel for the revision petitioners submitted that the suit was filed in the year 2000 and the plaintiff was not ready to conduct the trial and dragging on the proceedings. When the matter was posted for arguments, the plaintiff filed the applications in I.A.Nos. 713, 712, 714 and 715 of 2018. He further submitted that the trial Court had erroneously allowed the same. Hence, he prayed to set aside the findings given by the trial Court. The plaintiff is not entitled to produce the additional documents.

6. The learned counsel for the respondent submitted that during pendency of the proceeding, the 2nd defendant was died and his legal heirs were impleaded. Hence, he filed additional documents and written statements to defend his case. He further submitted that the trial Court has rightly appreciated the facts and allowed the applications. Hence, he prays to dismiss the petition.



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7. On perusal of the records, it reveals that the suit was filed in the year 2000 and all the witnesses were examined. Therefore, the plaintiff needs to file the additional documents before the trial Court. Hence, the trial Court had given fair opportunity to the both parties to produce sufficient materials. It is the fact that if no chance is given to the parties, then the valuable right of defence will be defeated. Therefore, the learned I Additional District Munsif Court, Puducherry had rightly allowed those applications in I.A.Nos.713, 712, 714 and 715 of 2018 and same are confirmed.

8. Accordingly, these Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

9. The trial Court is directed to dispose of the case in O.S.No.636 of 2000 within a period of three months from the date of receipt of a copy of this order.

15.03.2023

Internet : Yes/No
Index : Yes/No
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To

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The learned I Additional District Munisf Court, Puducherry.



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T.V.THAMILSELVI, J.

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