



WEB COPY

C.R.P.Nos.1060 to 1062 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.1060 to 1062 of 2023
and
C.M.P.Nos.7618, 1616 & 7622 of 2023

M.Bakkiyavathi

... Petitioner
in 3 CRPs

Vs.

T.Muruganantham

... Respondent
in 3 CRPs

Prayer in C.R.P.No.1060 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 27.01.2023 passed in I.A.No.318 of 2022 in O.S.No.152 of 2016 on the file of Additional District Munsif Court, Cuddalore.

Prayer in C.R.P.No.1061 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 27.01.2023 passed in I.A.No.319 of 2022 in O.S.No.152 of 2016 on the file of Additional District Munsif Court, Cuddalore.



Prayer in C.R.P.No.1062 of 2023: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 27.01.2023 passed in I.A.No.394 of 2022 in O.S.No.152 of 2016 on the file of Additional District Munsif Court, Cuddalore.

For Petitioner : Mr.R.Rajavelavan
(in 3 CRPs)

For Respondent : Mr.K.P.P.Raja Raja Chozhan
(in 3 CRPs)

COMMON ORDER

Challenging the impugned fair and decretal order dated 27.01.2023 made in I.A.Nos.318, 319 and 394 of 2022 in O.S.No.152 of 2016, on the file of the Additional District Munsif Court, Cuddalore, the petitioner filed these petitions.

2. The learned counsel for the petitioner brought to the notice of this Court that Trial Court has omitted to see that the applications for reopen, recall and received documents were filed at the terminal stage of the proceedings with a motive to prolong and protract the litigation and that the applications are not bona fide in nature. However, challenging the impugned order passed by the Trial Court marking the documents filed by the 4th



defendant/respondent, which was allowed.

WEB COPY

3. The learned counsel for the revision petitioner submits that the 4th defendant/ respondent had reopen the case in order to prolong even after the completion of the evidence of his side. He further states that the respondent has deliberately omitted to file the present documents sought to be produced under I.A.No.319 of 2022 and the respondent ought to have produced the documents when the earlier application was filed under Order VIII Rule I-A(3) of the Code.

4. By way of reply, the learned counsel for the respondent submits that now only they have proposed to pressing out the document. Therefore, they filed a proper application before the Trial Court, which was rightly rejected by the Trial Judge.

5. However, the learned counsel for the revision petitioner referred the document, which is sought to be marked on the side of the defendant in I.A.No.319 of 2022. On perusal of those documents, respondent wants to mark nearly 8 documents on his side. However, he further submits that the



respondent could get those documents and pointed out that while cross-examining the PW1, she was not aware of the legal heir certificate as well as the death certificate of the deceased Meenakshi. But after completion of the evidence, now at this stage he filed an application for receiving those documents, which clearly shows that to fill up the *lacunae* to come forward.

6. Admittedly, it is a settled proposition that the parties are not entitle to adduced evidence in order to fill up the *lacunae*, but the case in hand that the suit was filed on 08.09.2018 by the petitioner/plaintiff for the relief of declaration and other consequential relief. Thereafter, the same was contested by the respondent / 4th defendant. Now, the respondent wants to mark the documents, which is much prior to the suit, more particularly in the year 1994. Further, the said documents are legal heir certificate and chitta adangal, since these documents are government document, which cannot be manipulated for the purpose of suit. Therefore, marking of the documents on the side of the respondent / 4th defendant would not cause any prejudice to the petitioner / plaintiff. However, the petitioner/plaintiff is entitle to raise her objection to mark those documents and after completion of the trial can find out the validity of the document. Therefore, if the documents are not marked



his valuable opportunity to defend her case will be defeated.

7. Therefore, this Court is inclined to confirm that the findings of the Trial Court. However, the Trial Court is directed to give opportunity to submit her objections with regard to the marking of those documents as expeditiously as possible.

8. The learned counsel for the petitioner contended that the cost imposed by the Trial Judge is very much low. Considering the same, this Court is inclined to impose a cost of Rs.3000/- (Three Thousand Rupees) payable to the petitioner/plaintiff within two weeks from the date of receipt of a copy of this order.

9. Accordingly, this Civil Revision Petitions stand disposed of with cost. Consequently, connected Miscellaneous Petitions are closed.

12.10.2023

Jeni

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



WEB COPY

C.R.P.Nos.1060 to 1062 of





To

The Additional District Munsif Court,
Cuddalore.

C.R.P.Nos.1060 to 1062 of





WEB COPY



C.R.P.Nos.1060 to 1062 of

T.V.THAMILSELVI, J.

Jeni

C.R.P.Nos.1060 to 1062 of 2023

12.10.2023