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C.R.P.PD.Nos.1003 and 1007 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 6/6/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Civil Revision Petition PD Nos.1003 and 1007 of 2023

a n d

C.M.P.Nos.7341 and 7344 of 2023

1. D. Selvam @ Prahalathan
2. Ravi @ D.Devanarayanan
3. D. Udhayakumar
4. S. Kuselan
5. K. Manivannan
6. Anbu @ K. Parthasarathy
7. K. Gunasekaran
8. Dharmarajan
9. Me.E.Jayaraman

...

Petitioners

Vs

1. U.Rajendran
2. Shanmugam

...

Respondents

Common Prayer: Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 8/3/2023 passed in I.A.Nos.2 and 3 of 2023 in O.S.No.410 of 2011 on the file of the Additional District Munsif at Alandur.

For Petitioner

...

Ms.R.Hemalatha



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COMMON ORDER

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These revisions are directed against the order, dated 8/3/2023, passed in I.A.Nos.2 and 3 of 2023 in O.S.No.410 of 2011, on the file of the learned Additional District Munsif, Alandur.

2. The petitioners have filed O.S.No.410 of 2011, on the file of the learned District Munsif, Alandur, seeking injunction simplicitor against the respondents. After full fledged trial, the said suit was posted for judgment. At this juncture, the petitioners have filed I.A.No.2 of 2023, to reopen the plaintiffs side evidence, under Section 151 of the Code of Civil Procedure and I.A.No.3 of 2023, under Order 7 Rule 1 A of the Code of Civil Procedure, to receive certain documents. Both the petitions were dismissed by way of the impugned common order, dated 8/3/2023.

3. Heard Ms.R.Hemalatha, learned counsel for the petitioners and Mr.Ganesan, learned counsel for the respondents.



4. The learned counsel appearing for the petitioners submitted that appeals which are proposed to be filed are essential for resolving the dispute and thereby, even though, he has moved an application at a belated stage, documents have to be received by reopening the evidence of the petitioners/plaintiffs.

5. On the other hand, learned counsel appearing for the respondents submitted that the petitioners have not mentioned any cogent reasons as to why they could not file the documents at an earlier point of time, i.e., during the course of trial and thereby, sought for dismissal of the petitions.

6. The petitioner has filed the Suit in the year 2011, issues were framed in the year 2012 and trial has commenced in the year 2013. After closure of plaintiffs evidence, defendants evidence was commenced in the month of September 2022, plaintiffs and defendants have completed their respective arguments by December 2022 and after hearing the arguments, trial Court has posted the case for judgment on 10/2/2023. However, on 9/2/2023, the petitioners have filed this application to reopen and receive the documents.



7. The petitioners who have filed the suit is expected to file all the documents along with the plaintiffs which enables the respondents/defendants to give defence and file suitable written statements basing on which trial Court would have framed appropriate issue, thereby, trial can be taken up basing on those issues.

8. The petitioners/plaintiffs have examined the plaintiff side witnesses and also cross examined the defendants witnesses. Both sides have also filed number of documents. Once the pleadings have completed and issues were framed and when the trial is in progress, no further documents be allowed to be produced, as it affects the very course of trial. However, in case, if sufficient cause is shown for not filing the documents, the Court can receive the documents filed at a later stage also. It is the case where the documents which are proposed to file which are available with the plaintiffs from 2009. Order 7 Rule 1 A of the Code of Civil Procedure permits any of the parties to file documents during the course of trial. However, the petitioners did not chose to file them for the reasons known to them. Once the case was posted for arguments, the petitioners seek for reopening of the case, the petitioners are expected to make out such a case that the documents proposed to be filed are so



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relevant for the dispute before the Court and also shall make out a strong case that though these documents were not available with them and thereby, they could not file them earlier, during the course of trial.

9. On going through the affidavit filed by the petitioners in the trial Court, as rightly observed by the learned Judge in the impugned order, the petitioners have failed to mention any cogent reasons as to why they could not file these documents at an earlier point of time.

10. Considering the circumstances, trial Court has rightly come to conclusion by giving cogent reasons for dismissing the applications in not entertaining both the petitions filed by the petitioners/plaintiffs.

11. Accordingly, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

6/6/2023

Index :yes/no
Neutral Citation: Yes/No
mvs.

To: The Additional District Munsif, Alandur.



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Dr.D.NAGARJUN,J

mvs.

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