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C.R.P.No.1762 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

C.R.P.No.1762 of 2019
and CMP No.11467 of 2019

1.Mrs.Annapoorani

2.Mrs.Saraswathi

3.Mr.Shankar

4.Mr.Rajan

5.Mr.Dhanasekaran

.. Petitioners/Respondents /Plaintiffs

.Vs.

1.Mr.Lakshmipathi

2.Mr.Ravikumar

3.Mr.Sureshkumar

4.Mr.Kalaiselvan

.. Respondents/Respondents/Defendants

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order passed in I.A.No.4 of 2019 in O.S.No.203 of 2015 by the Sessions Judge, Mahila Court, Kancheepuram District,Chengalpattu dated 12.02.2019.



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For Petitioner : Mr.S.Anburaja

For Respondents : M/s.S.Sridevi
M.Pushpa

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ORDER

This Civil Revision Petition has been filed by the plaintiffs questioning the fair and decreetal order passed by the Court below in I.A.No.4 of 2019 in O.S.No.203 of 2015, dated 12.02.2019, dismissing the application filed under Order 7 Rule 14(3) CPC., to grant permission to the petitioners/plaintiffs to file additional documents.

2.Heard Mr.S.Anburaja, learned counsel for the petitioners and Mrs.S.Sridevi, learned counsel for the respondents.

3.The petitioners filed the suit seeking for the relief of declaration to declare certain documents as null and void and for partition and to allot two equal shares to the petitioners. The respondents/defendants filed the written statement and after the completion of the pleadings, the petitioners filed I.A.No.4 of 2019 under Order 7 Rule 14(3) CPC., to grant leave to the petitioners to file four additional documents. This application was dismissed by the Court below mainly on the ground that these documents are not relevant and they are not supported by necessary pleadings in the



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plaint. Aggrieved by the same, the present Civil Revision Petition has been filed by the plaintiffs.

4.In the considered view of this Court, at the pre-trial stage, the Court has to be more lenient in permitting the parties to file documents/additional documents. Whether a document is relevant and how far the Court will act upon, are matters which will have to be decided at the time of marking the documents or at the time of deciding the suit. It is not necessary for the Court to get into that exercise while considering the application and what is required is only to see if the parties have given a reasonable cause as to why they did not file the documents along with the plaint. In view of the same, the exercise undertaken by the Court below to reject the additional documents even at the threshold, may not be sustainable. As and when these documents are marked and relied upon, the issue with regard to relevancy of those documents can always be gone into by the Court.

5.In the light of the above, the fair and decreetal order passed by the Court below in I.A.No.4 of 2019 in O.S.No.203 of 2015, dated 12.02.2019, is hereby set aside and this Civil Revision Petition stands allowed. Considering the fact that this suit is filed in the year 2015 and it is now at the stage of cross examination of PW.1, there shall be a direction to the Court below to complete the proceedings in



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O.S.No.203 of 2015, within a period of **four months** from the date of receipt of copy of this order and report compliance. No costs. Consequently, connected miscellaneous petition is also closed.

10.01.2023

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Internet: Yes

Index:Yes/No

Speaking Order: Yes/No



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To

Sessions Judge,
Mahila Court,
Kancheepuram District,
Chengalpattu

N.ANAND VENKATESH. J.,



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