



C.R.P.Nos.3051, 2907 & 2876 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2023

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.Nos.3051, 2907 & 2876 of 2023 &
C.M.P.NoS.18889, 17993 & 17820 of 2023

B.Sheela Rath

... Petitioners in all C.R.Ps.

Vs.

Sanjay Kumar Rath

... Respondents in all C.R.Ps.

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India seeking to set aside the common fair and final order dated 16.12.2022 passed in I.A.Nos.2, 3 & 4 of 2022 in O.S.No.215 of 2013 on the file of the learned Principal District Court, Kancheepuram District at Chengalpattu.

For Petitioner in all C.R.Ps. : Mr.A.Sundara Vadhanan

COMMON ORDER

Challenging the impugned order dated 16.12.2022 passed in I.A.Nos.2, 3 & 4 of 2022 in O.S.No.215 of 2013, these civil revision petitions have been filed by the defendant.

2. Before the trial court, the respondent who is the plaintiff filed a suit



C.R.P.Nos.3051, 2907 & 2876 of 2023

for declaration of title. Pending the suit, the respondent/plaintiff filed

I.A.No.2 of 2022 praying to issue summons to the forensic authority, to appear before the court and give evidence relating to the report dated 04.06.2019 sent to the learned Judicial Magistrate, Tambaram, I.A.No.3 of 2022 praying to reopen petitioner's case for examination of forensic authorities relating to the report dated 04.06.2019 as petitioner's witness and I.A.No.4 of 2022 praying to receive the certified copy of the report of the forensic laboratory dated 04.06.2019 together with other enclosures.

3. All the aforesaid applications have been filed by the respondent/plaintiff after completion of the evidence of the defendant. The reasons assigned by him is that to prove the binami transaction, the plaintiff wants to mark the report of the forensic expert. The said application was strongly objected by the petitioner/defendant stating that after completion of the evidence to fill up the lacuna, those documents were sought to be produced. Considering both the submissions, the trial court allowed those applications stating that it is the suit for declaration of title filed by the plaintiff claiming himself as the absolute owner of the property and to prove the same, he wants to file relevant forensic report. Aggrieved that, the defendant preferred the present revision.



C.R.P.Nos.3051, 2907 & 2876 of 2023

4. Learned counsel for the petitioner submits that if at all the plaintiff want to prove his claim, he has to prove the same before completion of trial, but not after completion of evidence. But the trial court erroneously allowed those applications.

5. Admittedly the husband filed the suit for declaration of title claiming absolute owner of the property against his wife stating that the property stands in the name of his wife as binami. The plaintiff side evidence was closed. On perusal of the records, it is seen that the trial court allowed those applications, in order to ascertain whether the document produced from proper custody and if it is original, the same could be marked. Admittedly, the suit is of the year 2013 and till 2022, the plaintiff has not taken any steps to mark the relevant document.

6. This Court do not find any infirmity in the order passed by the trial court. However, the respondent/plaintiff is directed to pay a sum of Rs.5,000/- as costs to the petitioner/defendant.

7. In view of the above direction, these civil revision petitions are disposed of. No costs. Consequently, connections miscellaneous petitions are



C.R.P.Nos.3051, 2907 & 2876 of 2023

closed.

WEB COPY

18.12.2023

nl

Index : Yes/No

Speaking order/Non-speaking order

Neutral Citations : Yes/No

To

1.The Principal District Court, Kancheepuram District at Chengalpattu.



WEB COPY



C.R.P.Nos.3051, 2907 & 2876 of 2023

T.V.THAMILSELVI,J.

nl

C.R.P.Nos.3051, 2907 & 2876 of 2023

18.12.2023