



C.R.P.No.3686 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2023

CORAM:

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

C.R.P.No.3686 of 2023

and

C.M.P.No.23115 of 2023

1.K.Rajarathinam
2.Suryakala
3.Karthikeyan
4.Suguna

... Petitioners

-Vs-

1.Vasudevan
2.Vijaya

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order passed in I.A. No.1 of 2022 in O.S. No.1757 of 2008 before the District Munsif Court, Sriperumbudur at Kancheepuram District dated 04.03.2023

For Petitioner : Mr.K.Balaji



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ORDER

The Revision Petitioners are the plaintiffs in the suit and they have filed a suit in O.S.No.145 of 2003 before the District Munsif Court, Sriperumbudur. Before the trial court, as they wanted to mark documents 1 to 12 on their side, they have filed an application in I.A.No.1 of 2022, in which, four documents 1 to 4 were received and other documents 5 to 12 are after the suit.

2. Since the relief sought challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the plaintiffs filed an application in I.A. No.1 of 2022 to receive nearly about 1 to 12 documents as additional documents on their side. Trial was begun and during the P.W.1 chief examination, the said application was filed to mark those documents. The defendants raised objection stating that belatedly, they have filed the said application to receive documents after commencement of trial. Considering both side submissions, the trial judge held that ample



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opportunity was given to the plaintiffs while they filed the applications in I.A.Nos.1111 and 1112 of 2019 seeking for reception of documents and reopen the evidence of P.W.1, which were allowed on 18.11.2021, but they failed to avail the opportunity. Thereafter, after commencement of trial, again he came forward with the present application to receive 1 to 12 documents as such is not permissible. However, the trial court received documents 1 to 4 and rejected other documents as it was after the suit. Accordingly, the application was partly allowed.

4. The learned counsel for Revision Petitioners would submit that they have filed a suit before the trial court in the year of 2008 for declaration and other consequential relief in respect of suit property and at the time of filing the suit, they produced 38 documents and now produced 12 documents in order to prove their right over the property. But the trial judge partly received the documents 1 to 4, and in respect of kist receipts and other documents were not accepted for the reason that all those documents after the suit. The learned counsel would also submit that the trial judge held the other documents are after the suit, but it is necessary for them to prove their right and enjoyment over the property. Hence, he prayed to receive other documents also.



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5. Records perused. On perusal of records, it reveals that the suit was filed in the year of 2008 and trial was begun and a chance was given to the plaintiffs to produce additional documents, but they failed to avail those opportunities. Now, the plaintiffs again wanted to mark 12 documents produced on their side. Hence, they have filed the said application. But, though the trial judge received four documents and in respect of kist receipts, the other documents were not considered for the reason that all those documents after the suit. Mere receiving of documents does not amount to admits the contents, and if valid opportunity is not given to the plaintiffs to produce documents before the trial to prove their claim over the property, then their valuable right will be defeated, on the other hand, marking of all those documents would not cause prejudice to right of defendants. Already the defendants have also filed an application to putforth their defence, but the trial judge without considering the said aspect erroneously not accepted 5 to 12 documents, as such is unjust, unfair and liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings of trial judge in I.A.No.1 of 2022 is set aside. The plaintiffs are permitted to produce all the documents



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and liberty is granted to the defendants to raise objection as per manner known to law. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
rpp

To

District Munsif, Sriperumbudur.



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T.V.THAMILSELVI, J.

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