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C.R.P.Nos.2778, 2779 and 2780 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.09.2023

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THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.Nos.2778, 2779 and 2780 of 2017
and
C.M.P.No.13161 of 2017

In all CRPs.

Mohamed Sadiq Basha

...Revision Petitioner/Petitioner/Plaintiff.

Vs.

1.Abdul Gafoor

2.Pyari Beevi @ Maasa Beevi

3.Mohamed Rafi.

...Respondents/Respondents/Defendants.

Common Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair order and decretal order dated 15.06.2017 passed in I.A.No.201 of 2017 in O.S.No.11 of 2016 on the file of the District Munsif cum Judicial Magistrate, Parangipettai.

In all CRPs.

For Petitioner : Mr.R.Gunaraj

For Respondents : -No Appearance-



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COMMON ORDER

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These three civil revision petitions are preferred by the Plaintiff.

2.The suit has been presented for a mandatory injunction to remove a fence and also for the purpose of restoration of a pathway. The parties completed their pleadings on 10.12.2016. Three months thereafter, a communication was addressed from Noorul Islam Jumma Pallivasan. Since the pleadings were completed and the evidence had commenced, an application was filed by the petitioner under Order 7 Rule 14 (2) of CPC to receive the additional document.

3.Apart from that, the petitioner also wanted to reopen the evidence and to recall DW2 for the purpose of examination. The said application was dismissed against which the present civil revision petition.

4.Heard Mr.R.Gunaraj, learned Counsel for the petitioner. The respondents though served, have not entered appearance. A perusal of the record shows that the commencement of the suit itself was only in the year 2016. Whereas the document has come into force pending the litigation. Whether a *post litem* document will be helpful or not is for the court to decide at the time of the final disposal of the suit. To a party who has approached the court, the court must be liberal in granting all opportunity for the purpose of proving his/her case. By shutting out the



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evidence, it might only give be a ground of an appeal for the plaintiff to raise and if he convinces the Appellate Court, it might go back into a never ending cycle of litigation.

5.I feel in case the application had been allowed in the year 2017, perhaps the suit itself would have been disposed of by now. Considering the overall circumstances of the case, I feel, in the interest of justice, an opportunity should be given to the petitioner to let in evidence as the form of documents which has come pending the litigation. I make it clear that I am only granting leave for the purpose of receipt of the documents. It is up to the court to decide on proof and relevancy at the time of final disposal. Consequently I.A.Nos.200, 201 and 202 of 2017 will stand allowed. The Trial Court is requested to reopen the evidence and permit the parties to depose all the documents dated 07.03.2017. The suit being of the year 2016, being more than 7 years old, the Court is requested to give priority to the same and dispose of the suit within a period of nine (9) months from the date of receipt of the copy of this order.

6.These civil revision petitions stand allowed with the above directions. No costs. Connected miscellaneous petition is closed.

19.09.2023

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citations : Yes/No



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V. LAKSHMINARAYANAN.J,

nst

To:
The
District Munsif cum Judicial Magistrate,
Parangipettai.

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and
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