



C.R.P.No.4114 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2023

CORAM:

THE HONOURABLE Mrs.JUSTICE T.V.THAMILSELVI

C.R.P.No. 4114 of 2023

and

C.M.P.No. 25126 of 2023

G. Shanmugam

.. Petitioner

Vs

- 1.S. Sivakami
- 2.Ambika Venkatachalam
- 3.Sangeetha
- 4.Bhuvaneshwari
- 5.Chithra
- 6.Lakshmi
- 7.Saradha
- 8.Kamala
- 9.Rajeswari
- 10.Kalavathy
- 11.V.Sicily
- 12.T.K.Balu
- 13.D.Srinivasan
- 14.S.Ranjith
- 15.S.Prasad

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 02.09.2023 passed in



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I.A.No.13 of 2023 in O.S.No.574 of 2015 on the file of III Additional District Judge, Coimbatore.

For Petitioner : Mr. P. Saravanan

ORDER

This Civil Revision Petition is filed challenging the impugned order passed in I.A.No.13 of 2023 in O.S.No.574 of 2015 on the file of III Additional District Judge, Coimbatore, the first defendant preferred this revision.

2. Before the trial Court, the first defendant filed application to reopen and mark additional documents on his side by recall of D.W.1. He contend that the payment by way of Court deposit to the person, to whom he had made a payment already, but failed to produce those receipts and e-challan. Hence, he prayed to reopen the file proceeding. That application was objected by the plaintiffs stating that to drag on the proceeding and to fill up the lacuna, the first defendant filed this application after completion of entire evidence.



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3. Considering the objection, the trial Court held that in respect of deposit of money, already it was done before the Court and the same can be verified through Court records, which is all part of the Court records. Hence, petition was dismissed.

4. Aggrieved against the order passed in I.A.No.14 of 2023 in O.S.No.574 of 2015, the revision petitioner / first defendant is before this Court.

5. The learned counsel for the revision petitioner submits that he is relying the bills, which he wants to prove the same in all aspects. Hence, he prays that opportunity may be given to prove the payment by producing e-challan. But the same was rejected to prove, at the time of the trial.

6. As rightly pointed by the learned counsel for the plaintiff / first respondent, the trial Judge observed that already with regard to deposit of the amount, there is a Court record. As on date, there is a Court record with regard to the payment but however, the first defendant relying to prove all



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his defence in respect of the same as regard under Section 68 of the Evidence Act.

7. Therefore, by producing a receipt which is a Court record, would not cause any prejudice to the plaintiff. If opportunity is not given to the revision petitioner / first defendant, his right will be defeated. Therefore, the order passed by the trial Judge in I.A.No.13 of 2013 in O.S.No.574 of 2015 on the file of III Additional District Judge, Coimbatore is set aside. The petitioner / first defendant is directed to produce additional documents and liberty is given to the plaintiff to cross examine in respect of those documents within one week from the date of receipt of copy of this order. Thereafter, the trial Judge is directed to dispose of the case as expeditiously as possible.

8. In the result, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

02.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

Note: Issue order copy on 03.11.2023.



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To
The III Additional District Judge, Coimbatore.



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T.V.THAMILSELVI, J.

AT

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C.M.P.No. 25126 of 2023

01.11.2023