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C.R.P(PD).Nos.4383, 4384, 4385 and 4386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P(PD).Nos.4383, 4384, 4385 and 4386 of 2023
and CMP.No.26597 of 2022

1. Mamathi @ Mamathirajan

2. Kadalarasy

. .. Petitioners in all petitions

Vs

1. P.Mani

2. Manjula

3. L.Rakesh Sharma @ Kumaran

4. Union of India

Rep by Chief Secretary,
Government of Puducherry.

5. The District Registrar,
Registration Department,
Saram, Pondicherry

...Respondents in all petitions

Common Prayer : Civil Revision Petitions filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order dated 05.08.2023 passed in I.A.Nos.737, 738, 736 and 735 of 2023 in O.S.No.16 of 2013 on the file of the III Additional District Judge, Puducherry.



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For Petitioners : M/s.G.Sumitra
(in all petitions)

For R4 and R5 : Mr.P.S.Kothandaraman
(in all petitions) Government Advocate

COMMON ORDER

Challenging the impugned order dated 05.08.2023 passed by the learned III Additional District Judge, Puducherry, in I.A.Nos.737, 738, 736 and 735 of 2023 in O.S.No.16 of 2013.

2. Before the trial Court, the suit was posted for defendants side arguments, at that time, the plaintiffs/respondents 1 and 2 have filed an applications in I.A.Nos.735 to 738 of 2023 seeking to reopen the plaintiff's side and to receive the petition mentioned documents in evidence more particularly Will as well as the cancellation of document. The said application was allowed by the trial Judge, holding that if the applications allowed, no prejudice would be caused to the defendants/respondents. Further, if the original document is exhibited the respondents/defendants would get an opportunity to cross examine the witnesses.



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3. Aggrieve over the same, the revision petitioners/defendants have filed these Civil Revision Petitions.

4. The learned counsel for the revision petitioners submitted that after closure of evidence on both sides, the plaintiffs filed an application before the trial Court as such is not maintainable. He further submitted that the applications filed only to drag on the proceedings. Hence, he prays to allow these petitions.

5. Heard the learned Government Advocate appearing for the respondents 4 and 5.

6. On perusal of the record, it reveals that the suit was filed in the year 2013 and now the trial has been completed, at that time, the plaintiffs filed an applications to produce the certain document relying the Will and also adduce the evidence as such is acceptable one. Further, the original prayer in the suit for declaration and other consequential relief. So, if the document is to be produced, no prejudice would be caused to the defendants. However, the cross examining the PW1 was completed long back 2012. Therefore, liberty is granted to the defendants to raise their defence before the trial Court



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in respect of documents produced by the plaintiff. Therefore, I do not find any error or irregularity in the order passed by the trial Court in I.A.Nos.in I.A.Nos.737, 738, 736 and 735 of 2023 in O.S.No.16 of 2013, dated 05.08.2023.

7. In the result, this Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition is closed. No costs. However, the trial Court is directed to dispose of the suit in O.S.No.16 of 2013 within a period of six weeks from the date of receipt of a copy of this order.

29.11.2023

Internet : Yes/No

Index : Yes/No

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To

1. The learned III Additional District Judge, Puducherry.

2. The Section Officer,
VR Section,
High Court of Madras.

T.V.THAMILSELVI, J.



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