



C.R.P.Nos. 4883, 4887 & 4888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.Nos. 4883, 4887 & 4888 of 2023

and

C.M.P.No. 28885 of 2023

C. Rajendra Raj

.. Petitioner
in all the CRPs

Vs

T. Shaju Kumar

.. Respondent
in all the CRPs

COMMON PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 18.10.2023 passed by the XV Assistant Judge, City Civil Court, Chennai in I.A.Nos.8, 9 & 10 of 2023 respectively in O.S.No.5768 of 2018.

For Petitioner : Mr. Prem Raj Kumar

COMMON ORDER

These Civil Revision Petitions are filed challenging the order passed in I.A.Nos. 8, 9 & 10 of 2023 respectively in O.S.No.5768 of 2018.

The plaintiff has preferred these revisions.



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2. Before the trial Court, the plaintiff / petitioner herein filed three applications to reopen, recall and to receive EC and RTI reply as additional documents. All the applications were dismissed by the trial Judge stating that at the time of arguments stage, these applications were filed by the plaintiff / petitioner herein, as such to drag on the proceeding. Aggrieved by the said finding, the plaintiff has preferred these revisions.

3. The learned counsel for the petitioner submits that to show that the defendant / respondent herein is having source of property and mortgage also released by the defendant / respondent herein and to prove the same, he wants to produce those documents, as he came to know recently but the trial Court failed to give opportunity.

4. On perusal of the order, it seems that the plaintiff / petitioner filed the suit for recovery of money in the year 2018. Now the evidence was closed and for arguments at this stage, the plaintiff / petitioner herein filed those documents. If at all opportunity is not given to the plaintiff / petitioner herein to prove his claim before the Court as well as to disprove the case of



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the defendant / respondent herein, his valuable right to defend the case will be defeated. By marking of those documents will not cause any prejudice since it is an Encumbrance Certificate as well as the RTI information. Therefore, the order passed by the trial Judge in I.A.Nos. 8, 9 & 10 of 2023 respectively in O.S.No.5768 of 2018 is set aside. Both the parties are directed to cooperate for the proceeding.

5. In the result, the Civil Revision Petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

20.12.2023

Index :Yes/No

Neutral Citation :Yes/No

AT

To

The XV Assistant Judge, City Civil Court, Chennai.



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T.V.THAMILSELVI, J.

AT

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