



Crp Nos. 827, 835 and 837 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 07.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP Nos. 827, 835 and 837 of 2024 and

CMP Nos.4099, 4125, 4132 of 2023

Om Prakash Ganchi

... Petitioner
in all CRPs

Vs.

1. N.Subbu Deiva Nayaga Mudaliar Trust,
Rep. by its Trustees
1. C.Balasubramani
2. P.Muthukumarasamy
3. S.Thirumurthy
4. K.A.Murugappan
having office at No.2, Venkatachala Mudali Street,
Park Town, Chennai 600 003.
2. M/s Suraj Narain Daga (HUF),
rep. by its Kartha Mr.Laxmi Narain Dage
No.153/154, Mint Street, Sowcarpet,
Chennai 600 079.
3. M/s Prem Narain Praveen Kumar (HUF),
rep. by its Kartha Mr.Praveen Kumar Daga,
No.153/154, Mint Street, Sowcarpet,
Chennai 600 079.

Respondents

...

in all CRPs



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Prayer in CRP No.827, 835 and 837/2024: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 20.01.2024 passed in I.A.Nos. 3, 4 and 5 of 2023 in O.S.No.2596/2007 by the XVI Assistant Judge, City Civil Court, Chennai and to allow the civil revision petition.

For Petitioner : Mr.B.Ullasavelan

ORDER

All the three Civil Revision Petitions have been filed to set aside the fair and decreetal order dated 20.01.2024 passed in I.A.Nos. 3, 4 and 5 of 2023 in O.S.No.2596/2007 by the XVI Assistant Judge, City Civil Court, Chennai and to allow the civil revision petition.

2. The petitioner herein the third defendant and the first respondent/ Trust has filed the above suit for delivery of vacant possession; recovery of rent arrears; and for damages for use and occupation. In the above said suit, the petitioner had filed I.A.Nos. 3, 4 and 5 of 2023 to reopen the evidence of defendant side and recall the DW1 to mark the documents. The above petitions were dismissed by the Trial Court by the impugned common order. Challenging the same, the present civil revision petitions have been filed.



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3. Heard the learned counsel for the petitioners and the learned counsel for the first respondent and I have perused the materials on record.

4. On perusal of the documents, it reveals that the first respondent/plaintiff has filed the above said suit for delivery of vacant possession from the defendants 1 to 3. According to the first respondent/plaintiff, the first and second defendant are the lessees under the plaintiff trust, and the petitioner/third defendant is the sub-lessee of the first and second defendants. Further, from the records it is noticed that, in the above suit, trial was over and the plaintiff side argument was also over and when the suit was pending for hearing the defendants' side arguments, the petitioner has filed the above applications to reopen, recall and mark the documents.

5. In the affidavit, the petitioner/third defendant has mentioned some documents in Sl.Nos.1 to 9, such as lease deed, legal notice, agreement entered into between the plaintiff trust and one Maheswari Developers Pvt. Ltd., and also lease and tenancy agreement between Meena Haran and Ramlal Bhati, property and water tax receipt and prayed to mark them through DW1. The contention of the petitioner in the affidavit is that, he does not know English and the above documents were collected recently from his friend and



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hence, the documents have to be marked. But, there is no recital in affidavit as to how the documents are related to the suit transaction and why the documents are necessary to adjudicate the lis, which is filed for delivery of vacant possession. Further, the petitioner, has not filed the above documents, at the time of recording evidence of defendants side. Therefore, without any pleading with regard to the relevancy of the documents, the petitioner cannot ask to receive and mark the above documents. As such, the learned Judge has rightly dismissed the petitions and I find no infirmity to interfere over the same. Hence, the civil revision petitions are liable to be dismissed, as it has no merits.

8. Accordingly, the civil revision petitions in CRP Nos. 827, 835 and 837 of 2024 are dismissed. No costs. Consequently, connected miscellaneous petition are closed.

07.03.2024

Index: Yes/No
Internet: Yes/No
mst

To

The XV Assistant Judge, City Civil Court, Chennai.



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V.SIVAGNANAM, J.

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