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C.R.P.(PD).Nos.1472, 1473, 1476, 1479 & 1482 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2024

Coram

THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).Nos.1472, 1473, 1476, 1479 & 1482 of 2024 &
C.M.P.Nos.7922, 7919, 7927, 7938 & 7968 of 2024

1.Mangali
2.Malliga

... Petitioners in all C.R.Ps.

-Versus-

Paramanandam

... Respondent in all C.R.Ps.

COMMON PRAYER:Revisions filed under Article 227 of the Constitution of India challenging the common Fair order and Decretal order dated 12.12.2023 made in I.A.No.3 of 2022, CMP.No.1112 of 2015, I.A.No.2 of 2021, CMP.No.572 of 2017 & I.A.No.1 of 2019 in A.S.No.419 of 2012 on the file of the V Additional City Civil Court at Chennai.

*For Petitioners : Mr.B.Manoharan
in all C.R.Ps.*

*For Respondent : Mr.Richardson Wilson
in all C.R.Ps.*

COMMON ORDER

These five revisions arise out of applications filed under Order XLI Rule 27 of Code of Civil Procedure in the first appeal.



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2. The documents relied upon by the petitioners are all documents that they have obtained under the Right to Information Act. They would claim that the documents are essential for the disposal of the appeal.

3. In *Union of India versus Ibrahim Uddin and Another, (2012) 8 SCC 148*, the Supreme Court has settled the procedure under which the application under Order XLI Rule 27 must be dealt with. It cannot be dealt with separately from the appeal, but can be only disposed of at the time of final disposal of the appeal. If the learned judge feels that these documents are essential for disposal, he is always entitled to receive them, subject to, of course, following the procedure under Order XLI Rule 28 of the Code.

4. Instead of following the said procedure, the learned judge has treated the applications independently of the appeal. Therefore, as this is a procedural infraction and contrary to the law laid down by the Supreme Court, I am constrained to interfere with it. I make it clear that I have not gone into the merits or necessity of the documents for the purpose of disposal of the appeal. I am interfering only because the applications had been taken up separately from the appeal and not along with the appeal itself.

5. In fine, the order passed by the learned V Additional City Civil Judge



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in Chennai is set aside. The applications in I.A.No.3 of 2022, CMP.No.1112 of 2015, I.A.No.2 of 2021, CMP.No.572 of 2017 and I.A.No.1 of 2019 stand restored to the file of the learned V Additional City Civil Court, Chennai. The V Additional City Civil Judge, shall decide whether these applications are necessary for the disposal of the appeal.

6. Mr. B.Manoharan and Mr. Richardson Wilson appearing for the respective parties, state that the appeal itself is a ripe for disposal and the next date of hearing is 15.06.2024. The petitioners as well as the respondent agree that they would argue the main appeal itself. The learned V Additional City Civil Judge is requested to take up the appeal on 15.06.2024 and, after giving opportunity to the petitioners as well as the respondent, shall decide the appeal and dispose of the same in one way or the other. In any event, the judgment in the appeal should be pronounced on or before 29.07.2024 and reports should be submitted on or before 31.07.2024.

7. With the above directions, these civil revision petitions are allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : yes / no



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Neutral Citation : yes / no

Speaking / Non Speaking Order

To

1.The V Additional City Civil Court at Chennai.



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V.LAKSHMINARAYANAN, J.

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