



C.R.P.No.3148 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2024

Coram

The Hon'ble Mr.Justice N.Sathish Kumar

C.R.P.No.3148 of 2024

and

C.M.P.No.16959 of 2024

K.S.Govindharaj

...Revision Petitioner

Vs.

S.Nithya

... Respondent

For Revision Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.K.V.Muthuvisakan

Civil Revision Petition is filed under Article 227 of the Constitution of India seeking to set aside the order dated 09.02.2024 passed by the learned District Munsif, Dharapuram in I.A.No.03 of 2023 in O.S.No.198 of 2017.



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ORDER

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This Civil Revision Petition is filed against the order passed by the learned District Munsif, Dharapuram (hereinafter, referred to as 'the Trial Court') in I.A.No.03 of 2023 in O.S.No.198 of 2017 dated 09.02.2024.

2. The brief facts of the case is as follows:-

i) The revision petitioner/plaintiff filed a suit in O.S.No.198 of 2017 seeking for the relief of permanent injunction against the defendants 1 and 2. During trial, the second defendant, viz., the respondent herein has filed an Interlocutory Application seeking to mark certain documents. The said Application was allowed by the Trial Court. Aggrieved against which, the present Civil Revision Petition is filed.

3. The learned counsel appearing for the revision petitioner would submit that the documents, which the respondent herein sought to mark as additional documents were in no way related to the suit property, and the same were related to some other property, and therefore, the same need



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not be marked, however, the Trial Court, without considering the said aspect, erroneously, allowed the Application. Hence, the learned counsel prayed for allowing the Revision.

4. The learned counsel for the respondent/second defendant would submit that the revision petitioner, being a tenant under the first defendant has encroached the property in question, by claiming unlawful possession, and in order to prove the same, certain documents were required to be marked as additional evidence, for which purpose, the second defendant has taken out the Interlocutory Application; that the Trial Court, having considered the importance of such documents, allowed the Application and permitted the second defendant to mark such documents, and the same requires no interference.

5. Heard the learned counsel for the revision petitioner and the respondent and perused the records.



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6. At the outset, this Court is of the view that the very Civil

Revision Petition itself is not maintainable for the reason that when the Trial Court has exercised its discretion and allowed the parties to adduce evidence, the same cannot be interfered with in this Revision. If at all, the revision petitioner is aggrieved over marking of such documents, the same ought to have been rebutted by him during cross-examination or challenged by way of proper legal objection, without doing so, it is not open to the revision petitioner to challenge the same in the Civil Revision Petition.

7. That apart, it is now stated by the learned counsel for the respondent that the documents have already been marked and the parties have also been cross-examined and at that stage of the matter, the revision petitioner has not chosen to cross-examine the witness. In such view of the matter, it is for the revision petitioner to challenge those documents during trial, however, not by way of Civil Revision Petition.

8. In the result, the Civil Revision Petition is dismissed. The Trial Court is directed to proceed with the disposal of the suit as expeditiously as



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possible, preferably, within a period of 3 months from the date of a receipt of

a certified copy of this order. No costs. Consequently, connected

Miscellaneous Petition is closed.

09.12.2024

sd

To

The District Munsif, Dharapuram.



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N.Sathish Kumar,J.

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09.12.2024