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C.R.P.(NPD) No.2605, 2607 & 2610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2024

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THE HONOURABLE Mr. JUSTICE V.LAKSHMINARAYANAN

C.R.P.(NPD) Nos.2605, 2607 & 2610 of 2024

AND

C.M.P.Nos.13687, 13697 & 13713 of 2024

Ramasamy

... Petitioner in all CRPs

Vs

1.Sivabakiyavathi

2.Suresh Kumar

3.Dhanalakshmi

Respondents 1 to 3 rep. by their power of attorney

Kandasamy

4.S.K.Balasubramaniam

5.Chellammal

6.A.Mandhiri Kumar

7.The District Collector

Tiruchengode-Namakkal-Trichy Road

District Collector Office

Namakkal District



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8.The Tahsildar

Tiruchengode-Namakkal-Trichy Road

Thillaipuram

Padamudipalayam, Paramathi Velur Taluk

Namakkal District 637 001

9.The National Highway Authority of India (NHAI)

and District Revenue Officer

Namakkal District Collector Office

Namakkal District 637 001

... Respondents in all CRPs

C.R.P.(PD) No.2605 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 19.02.2024 passed in I.A.No.6 of 2023 in O.S.No.1 of 2011 on the file of the I Additional District Court, Namakkal.

C.R.P.(PD) No.2607 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 10.04.2024 passed in I.A.No.7 of 2024 in O.S.No.1 of 2011 on the file of the I Additional District Court, Namakkal.

C.R.P.(PD) No.2610 of 2024 : Civil Revision Petition filed under Article 227 of the Constitution of India challenging the fair and decreetal order dated 10.04.2024 passed in I.A.No.8 of 2024 in O.S.No.1 of 2011 on the file of the I Additional District Court, Namakkal.

For Petitioner : Mr.R.Ezhilarasan
in all CRPs

For RR 7 & 8 : Dr.S.Suriya
in all CRPs Additional Government Pleader



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COMMON ORDER

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These civil revision petitions arise against the order dated 19.02.2024 and the common order dated 10.04.2024 passed by the learned I Additional District Judge, Namakkal, in I.A.No.6 of 2023 and I.A.Nos.7 and 8 of 2023, respectively, which were filed for condoning the delay in filing the additional documents, to recall and reopen the evidence of P.W.1. and to receive the documents.

2. The suit in O.S.No.1 of 2011 has been filed for declaration and recovery of possession. Plaintiffs are residents of Malaysia and they are represented by their power agent, who is a resident of Paramathivelur, Namakkal District. The suit was originally decreed *ex parte*. Thereafter, an application was filed to set aside the *ex parte* decree, which came to be dismissed. Aggrieved by the same, C.R.P.No.167 of 2022 was filed before this Court, which came to be allowed on 03.02.2022 and the suit was restored to file. Thereafter, P.W.1 power agent was examined in-chief and during the course of examination, he had marked Exs.A1 to A12. At the time of cross-examination, he was asked questions whether his principals were aware of the present suit and it was also suggested that the suit itself had been presented based on the forged documents. P.W.1 was also



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cross-examined on the point that the documents relating to the suit had not been presented by the power agent. Thereafter, evidence was closed.

3. Subsequently, P.W.1 took out applications in order to bring documents before the court to substantiate his plea that his power of attorney is genuine and that there are documents to substantiate his case. Consequently, he filed 35 documents and sought leave of the Court to condone the delay and to reopen his evidence. After receipt of the counter from the respondent, the learned I Additional District Judge, Namakkal, allowed the applications, against which, the present civil revision petitions have been filed.

4. Heard Mr.R.Ezhilarasan, learned counsel for the civil revision petitioner.

5. Mr.R.Ezhilarasan would contend that all the documents which are sought to be produced are after suit documents and the same ought not to be received in evidence. He further contends that the suit is pending from 2011 and to reopen the evidence after 13 years is very unfortunate.

6. I have carefully considered the submissions of Mr.R.Ezhilarasan.



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7. It is seen that the suit came to be restored by virtue of an order of this Court on 03.02.2022 and on restoration, the plaintiffs have proceeded with the case. Since all the documents were available with the previous counsel, the agent of the plaintiffs was not in a position to file the same before the court. This explanation has been accepted by the learned Judge, who had the benefit of seeing the witness as well as ascertaining his demeanor and he has granted an opportunity to the plaintiffs to present their case.

8. All that the learned Judge did was to give an opportunity to the plaintiffs to produce the documents. It is always open to the defendants to cross-examine the plaintiffs on all aspects, including the fact that they are after suit documents. As no rights are decided in the impugned order and since only an opportunity is granted to the plaintiffs, I am not inclined to interfere with the orders and accordingly, these civil revision petitions stand dismissed. No costs. Connected C.M.P.s are closed.

19.07.2024

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Index : Yes/No

Neutral Citation : Yes/No

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V.LAKSHMINARAYANAN, J.

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To
I Additional District Court
Namakkal

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