



C.R.P.(PD).No.2087 of 2020  
and C.R.P.(PD).Nos.473 and 474 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 22.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**C.R.P.(PD).No.2087 of 2020**  
**and C.R.P.(PD).Nos.473 and 474 of 2021**  
**and C.M.P.No.13186 of 2020**

Dhanapal

... Petitioner (in all CRPs)

VS

1.G.Tamilselvi

2.Ganesan

... Respondents (in all CRPs)

**Common Prayer:** Civil Revision Petitions are filed under Article 227 of Constitution of India, praying to set aside the Fair and Decretal order dated 30.01.2020 made in I.A.Nos.3, 1 and 2 of 2019 in O.S.No.20 of 2014 on the file of District Munsif Court, Uthangarai, Krishnagiri District and allow the above Civil Revision Petitions.

For Petitioner : Mr.R.T.S.Kannan  
for M/s.S.Umapathy  
(in all CRPs)

For Respondents : Mr.C.Palanisamy  
(in all CRPs)

**COMMON ORDER**



C.R.P.(PD).No.2087 of 2020  
and C.R.P.(PD).Nos.473 and 474 of 2021

The Civil Revision Petition in C.R.P.(PD).No.2087 of 2020 is filed challenging the order passed by the Trial Court dismissing the application filed by the petitioner seeking leave of the Court to produce additional documents, which were not filed along with the plaint.

2. The petitioner herein filed a suit for declaration that suit 'B' schedule property belong to him and for consequential injunction. When the suit was posted for argument, the petitioner herein filed the instant application seeking leave of the Court to produce three additional documents namely,

- (i) xerox copy of the Sale Deed dated 09.02.2000,
- (ii) xerox copy of the Sale Deed dated 14.07.1999 and
- (iii) encumbrance certificate.

The petition was dismissed by the Trial Court mainly on the ground that first document was a xerox copy and the second document was illegible. As far as third document namely encumbrance certificate is concerned, the Trial Court observed that it was a truncated document and petitioner produced only Page Nos.8, 30, 31, 69 and 70 of the encumbrance certificate.



C.R.P.(PD).No.2087 of 2020  
and C.R.P.(PD).Nos.473 and 474 of 2021

WEB COPY

3. When these matters are taken up for hearing, the learned counsel appearing for the petitioner submits that petitioner is ready to produce legible certified copy of Sale Deeds dated 09.02.2000 and 14.07.1999. The learned counsel further submits that the petitioner is also ready to produce full encumbrance certificate containing all pages. The said statement of the learned counsel for the petitioner is recorded.

4. Having regard to the fact the suit is for declaration of title and injunction, this Court feels an opportunity shall be given to the petitioner to produce additional documents referred to by him in his petition. The petitioner is granted four weeks time to produce legible certified copy of Sale Deeds dated 09.02.2000 and 14.07.1999. The petitioner shall produce full encumbrance certificate containing all pages. If the said documents are produced within a period of four weeks from the date of receipt of copy of this order, the Court shall consider marking of the same, subject to proof, relevancy and admissibility.

5. Accordingly, the Civil Revision Petition in C.R.P.No.2087 of 2020 is



C.R.P.(PD).No.2087 of 2020  
and C.R.P.(PD).Nos.473 and 474 of 2021

allowed.

WEB COPY

6. The Civil Revision Petitions in C.R.P.(PD).Nos.473 and 474 of 2021 are filed against the dismissal of the petition to reopen and recall PW.1. In view of the allowing of the civil revision petition in C.R.P.(PD).No.2087 of 2020, as a necessary consequence, the request of the petitioner to reopen the case and recall PW.1 shall be positively considered. Hence, these Civil Revision Petitions are also allowed. The Trial Court is directed to reopen the case and allow petitioner to recall PW.1 to enable him to produce documents referred above. No costs. Consequently, the connected civil miscellaneous petition is closed.

**22.02.2024**

Index : Yes / No  
Speaking order : Yes / No  
Neutral Citation : Yes / No  
dm



C.R.P.(PD).No.2087 of 2020  
and C.R.P.(PD).Nos.473 and 474 of 2021

To

WEB COPY

The District Munsif Court,  
Uthangarai, Krishnagiri District.



WEB COPY



C.R.P.(PD).No.2087 of 2020  
and C.R.P.(PD).Nos.473 and 474 of 2021

**S.SOUNTHAR, J.**

dm

**C.R.P.(PD).No.2087 of 2020**  
**and C.R.P.(PD).Nos.473 and 474 of 2021**

**22.02.2024**