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CRP Nos.3436, 3437 and 3446 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP Nos.3436, 3437 and 3446 of 2023

M.Sivakumar

... Petitioner in

CRP Nos.3436, 3437 and 3446 of 2023

Vs.

1.P.S.Jayanthi

2.P.S.Srihari

3.Ravi

...Respondents in

CRP Nos.3436, 3437 and 3446 of 2023

PRAYER in CRP No.3436 of 2023: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 26.04.2023 in IA No.1 of 2022 in O.S.No.684 of 2010 filed for reopen the witness of PW1 by the learned Additional District Munsif, Alandur and allow the petition.

PRAYER in CRP No.3437 of 2023: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 26.04.2023 in IA No.2 of 2022 in O.S.No.684 of 2010 filed to recall the witness of PW1 by the learned Additional District Munsif, Alandur and allow the petition.



CRP Nos.3436, 3437 and 3446 of 2023

PRAYER in CRP No.3446 of 2023: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 26.04.2023 in IA No.3 of 2022 in O.S.No.684 of 2010 filed for marking of documents through PW1 by the learned Additional District Munsif, Alandur and allow the petition.

For Petitioner : Ms.S.Vidya

For Respondents : Mr.A.Jotheeswaran

COMMON ORDER

The civil revision petitions are filed to set aside the orders in IA Nos.1, 2 and 3 of 2022 in O.S.No.684 of 2010 dated 26.04.2023 filed for reopen and recall the witness of PW1 and for marking of documents through PW1 by the learned Additional District Munsif, Alandur and allow the petitions.

2. The petitioner is the plaintiff and the respondents are the defendants in OS No.684 of 2010 on the file of the learned Additional District Munsif, Alandur. The petitioner has filed the suit for declaration of ownership and his title over the suit schedule property and also consequently injunction against the respondents/defendants for his peaceful possession and enjoyment. According to the petitioner, subsequently,



CRP Nos.3436, 3437 and 3446 of 2023

certified copies were made available, hence he has filed IA No.1378 of 2019 to reopen. As the erstwhile counsel filed the said application without any other application for filing additional documents or any other relief, the same was not pressed. The said application came to be dismissed on 02.08.2022. Hence, the petitioner has filed these applications in IA Nos.1,2 and 3 of 2022 to reopen, recall and receive additional documents. The Trial Court, by order dated 26.04.2023 had dismissed the said applications. Challenging the said order, the civil revision petitions are filed.

3. Learned counsel appearing for the respondents submitted that third respondent has filed a common counter and objected that the petitioner had not filed these documents in the initial stage. The petitioner seeks to file these documents only at the fag end of the case, when the case is posted for arguments. Hence, these applications for reopen, recall and to receive additional documents, are not permissible. Therefore, there is no reason to interfere with the impugned order and seeks for dismissal of the revisions.

4. Learned counsel for the petitioner submits that the petitioner wants



CRP Nos.3436, 3437 and 3446 of 2023

to file the certified copy of the sale deed and other revenue documents to establish his title over the suit properties. He is conceding to mark documents in Serial Nos. 1 to 8 through the examination of the plaintiff and to proceed with the case further without protracting the case.

5. Considering the fact that now the petitioner wants to file the certified copy of the sale deed and other revenue documents to establish his title over the suit properties and the petitioner is conceding to mark documents in Serial Nos. 1 to 8 through the examination of the plaintiff and to proceed with the case further without protracting the case, the petitioner is permitted to file documents in Serial Nos.1 to 8 alone before the trial court. The order dated 26.04.2023 passed by the trial court is set aside and the trial court is hereby directed to receive documents in serial Nos. 1 to 8 and mark through the parties and give an opportunity to the respondents/defendants for cross examination through the document and complete the trial and dispose the case, within one month from the date of receipt of a copy of this order.



CRP Nos.3436, 3437 and 3446 of 2023

WEB COPY

6. In fine, the civil revision petitions stand allowed. There will be no order as to costs. Consequently, CMP Nos.21323, 21410 and 21337 of 2023 are closed.

31.01.2024

Index: Yes/No
Internet: Yes/No
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V.SIVAGNANAM, J.,

5 of 6



WEB COPY



CRP Nos.3436, 3437 and 3446 of 2023

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CRP Nos.3436, 3437 and 3446 of 2023

31.01.2024