



C.R.P.No.3375 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.3375 of 2024
and CM.P.No.18153 of 2024

Radha

... Petitioner

Vs

Vasanth

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the fair and decretal order of the learned Subordinate Judge, Cheyyar dated 01.07.2024 passed in I.A.No.2 of 2023 in A.S.No.01 of 2019.

For Petitioner : Mr.S.L.Maurick Meshaak

ORDER

The Civil Revision Petition has been filed against the order passed by the learned Subordinate Judge, Cheyyar, in I.A.No.2 of 2023 in A.S.No.1 of 2013, dismissing the petition filed under Order 41 Rule 27 of CPC seeking to produce additional documentary evidence before the appellate Court.

2. The petitioner is the defendant in the suit filed by the respondent/plaintiff



C.R.P.No.3375 of 2024

in O.S.No.95 of 2015 before the Principal District Munsif, Cheyyar. After full fledged trial, the suit came to be decreed on 04.08.2018. Aggrieved against the same, the petitioner/defendant has preferred an appeal in A.S.No.1 of 2019 before the Subordinate Court, Cheyyar, Tiruvannamalai. While the case was posted for arguments on 07.06.2023, the petitioner has filed a petition under Order 41 Rule 27 of CPC seeking to produce the following documents as additional evidence in the appeal suit.

Sl. No.	Date	Particulars of the documents
1.	08.12.2022	Copy of chitta and adangal for 1393 fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15
2.	08.12.2022	Copy of chitta and adangal for 1393 fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.149
3.	17.03.2023	Copy of sagupadiadangal 1410fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
4.	17.03.2023	Copy of sagupadiadangal 1411fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
5.	17.03.2023	Copy of sagupadiadangal 1412fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
6.	17.03.2023	Copy of sagupadiadangal 1415fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
7.	17.03.2023	Copy of sagupadiadangal 1416fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
8.	17.03.2023	Copy of sagupadiadangal 1417fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
9.	17.03.2023	Copy of sagupadiadangal 1418fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
10.	17.03.2023	Copy of sagupadiadangal 1420fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149
11.	17.03.2023	Copy of sagupadiadangal 1422fasali issued by Headquarters Deputy Tahsildar, Cheyyar. Patta No.15 and 149



C.R.P.No.3375 of 2024

WEB COPY 3. The respondent/plaintiff has filed a counter before the appellate contending that the suit was filed in the year 2015 and that in the said suit, the petitioner had filed a patta bearing Nos.15, 149 and that the documents which were sought to be marked were received during 2023 and the documents were subsequent to the Judgment in the suit. Further, the appeal suit was filed in the year 2019 and the petition seeking to produce additional evidence was filed after four years and no specific reason has been stated by the petitioner why he has not filed those documents before the trial Court. The Appellate Court, finding that the petitioner had not complied with the conditions laid down under Order 41 Rule 27 of CPC, had dismissed the application. Aggrieved against the same, the present Civil Revision Petition has been filed.

4. Learned counsel for the petitioner submitted that the documents sought to be marked are essential documents to enable the appellate Court to pronounce the judgment and they are required to substantiate the cause. Hence, he prayed to set aside the order passed by the appellate Court.



C.R.P.No.3375 of 2024

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5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Having gone through the records, it is seen that the suit in O.S.No.95 of 2015 was filed by the respondent/plaintiff in the year 2015 and the decree came to be passed on 04.08.2018. Thereafter, the appeal suit has been filed by the petitioner/defendant in the year 2019 and at the stage of filing the appeal, no plea for filing additional evidence were filed, whereas, only after four years, the application has been filed under Order 41 Rule 27 of CPC, at the fag end when the appeal was posted for arguments. Furthermore, it is not the case of the appellant that despite diligence, the documents now sought to be received were not within his knowledge and that he came to know about the same subsequently. Further, the appellant has also not shown how the documents are relevant for deciding the present appeal and pronouncing the judgment. The appellate Court rightly finding that the petitioner has not shown the existence of the conditions required for reception of additional evidence as contemplated under Order 41 Rule 27 of CPC, had dismissed the application.



C.R.P.No.3375 of 2024

WEB COPY 7. In view of the above, this Court does not find any illegality or infirmity in the order passed by the appellate Court. Accordingly, the Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is also closed.

No costs.

22.08.2024

Index : Yes / No

Neutral Citation : Yes / No
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To : The Subordinate Court, Cheyyar



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C.R.P.No.3375 of 2024

A.D.JAGADISH CHANDIRA, J.

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