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C.R.P.Nos.4923, 4924 & 4925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.Nos.4923, 4924 & 4925 of 2024 &
CMP.Nos.27687, 27688, 27690 of 2024

U.Murugesan

.. Petitioner in all 3 CRPs.

Versus

P.S.Deivaraj

.. Respondent in all 3 CRPs.

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 24.09.2024 made in I.A.Nos.6, 7 & 8 of 2024 in O.S.No.52 of 2016 on the file of the learned Additional Sub Court, Tiruchengode.

For Petitioner in all
3 CRPs. : Mr.S.Shrish, for
Mr.N.Manoharan

COMMON ORDER

These three revisions challenge the order of the learned Additional Subordinate Judge, Tiruchengode in allowing I.A.Nos.6, 7 and 8 of 2024 in O.S.No.52 of 2016.



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2. O.S.No.52 of 2016 s a suit for recovery of money on the foot of promissory note. For the purpose of disposal of this revision, the details of the pleadings of the parties are irrelevant. Suffice it to say, a statement was filed, issues were framed, the parties went for trial, evidence was concluded and the matter was posted for arguments. At that stage, the plaintiff presented these three applications for the purpose of reopen, recall and mark certain documents.

3. The plea of the plaintiff in these petitions was that pending the suit proceedings, a settlement was arrived between the parties on 10.12.2019. Apart from that, he wanted to mark the documents relating to O.S.No.64 of 2016 which had taken place between the parties before the Mahalir Needhi Mandram at Namakkal and STC.Nos.170 and 171 of 2019 before the Judicial Magistrate at Erode.

4. It is the specific plea of the plaintiff that these documents had come into force, pending the litigation. He also pointed out that the Muchalika dated 10.12.2019 had come about on account of the settlement talks that had



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been initiated between the parties and that the defendant was a party to the said document.

5. It is not in dispute that the said document was produced to the defendant during his cross examination, but he denied the existence thereof. Therefore, the plaintiff has decided to produce these documents before the Court.

6. The learned Trial Judge, after receipt of a counter from the defendant, allowed the application. Hence, this revision.

7. I have heard Mr.S.Shrish for Mr.N.Manoharan for the civil revision petitioner.

8. Mr.S.Shrish urges that the document dated 10.12.2019 is an unregistered and insufficiently stamped document and therefore, it cannot be received in evidence. He points out that the evidence of the plaintiff had commenced on 30.11.2020 and at that stage also, the plaintiff did not whisper about this document. He points out that the proceedings that have been initiated against the defendant in O.S.No.64 of 2016 has not reached



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finality. Therefore, he says these documents are absolutely irrelevant for the purpose of the case. He also points out that the plea that, no prejudice would be caused to the defendant is not a ground on which Order XVIII Rule 17 application deserves to be allowed.

9. The plaintiff pleads that there is a panchayat Muchalika. He had confronted the defendant with the Muchalika at the time of his cross examination. The defendant had totally denied the knowledge of the said document. The plaintiff feels that production of the said document would support his case.

10. I have carefully considered the arguments of the learned counsel for the petitioner.

11. Taking the first argument that the plaintiff did not plead about the documents, I have to point out that normally an after suit document is irrelevant. However, the two documents that are sought to be produced came about after the institution of the suit. They are court proceedings between the parties. Therefore, the plaintiff could not have pleaded about



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the two court proceedings, as well as the Muchalika, which had come about three years after the presentation of the plaint, in his pleadings.

12. Sufficiency of evidence and the requirement of production of documents by one party cannot be dictated by other. Whether those documents are relevant, admissible or genuine are all matters which can be gone into once those documents are received.

13. In the light of the above discussion, I am not inclined to interfere with the discretion exercised by the learned Trial Judge. The learned Trial Judge, being an experienced Trial Judge, has decided to receive the documents. He also had the benefit of seeing the parties and recording their examination. Therefore, leaving it open to the defendant to question the plaintiff on the admissibility, relevancy and genuineness of the documents, these civil revision petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no



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V.LAKSHMINARAYANAN, J.

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To

The Additional Sub Court, Tiruchengode

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