



C.R.P(MD)Nos.1145 & 1146 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.1145 & 1146 of 2024

and

C.M.P(MD)Nos.6428 & 6429 of 2024

C.R.P(MD)No.1145 of 2024:

F.Francis Bastiyan

... Petitioner /
Petitioner /
1st Defendant

Vs.

1.V.Rajasekaran

... 1st Respondent /
1st Respondent /
Plaintiff

2.A.Jesuraj @ Anbarasan

... 2nd Respondent /
2nd Respondent /
2nd Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the order in I.A.No.7 of 2024 in O.S.No.3 of 2017 on the file of the learned District Munsif, Melur dated 02.02.2024 and to set side the same and allow this Civil Revision Petition.



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C.R.P(MD)Nos.1145 & 1146 of 2024

For Petitioner : Mr.T.Mohan
Senior Counsel
for Mr.A.Haja Mohideen

For Respondents : Mr.M.Kannan for R.1
Mr.J.Anand Kumar for R.2

C.R.P(MD)No.1146 of 2024:

F.Francis Bastiyan ... Petitioner /
Petitioner /
1st Defendant

Vs.

1.V.Rajasekaran ... 1st Respondent /
1st Respondent /
Plaintiff

2.A.Jesuraj @ Anbarasan ... 2nd Respondent /
2nd Respondent /
2nd Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records of the order in I.A.No.8 of 2024 in O.S.No.3 of 2017 on the file of the learned District Munsif, Melur dated 02.02.2024 and to set side the same and allow this Civil Revision Petition.

For Petitioner : Mr.T.Mohan
Senior Counsel
for Mr.A.Haja Mohideen



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C.R.P(MD)Nos.1145 & 1146 of 2024

For Respondents : Mr.M.Kannan for R.1

Mr.J.Anand Kumar for R.2

COMMON ORDER

Heard both sides.

2.The petitioner is figuring as the first defendant in O.S.No.3 of 2017 on the file of District Munsif Court, Melur. It is a suit for declaration and permanent injunction. The petitioner filed I.A.Nos.7 of 2024 and 8 of 2024 for reopening his side and for recalling himself for the purpose of marking certain documents.

3.The Court below vide order dated 02.02.2024 dismissed both the Interlocutory Applications. Questioning the same, these two Civil Revision Petitions have been filed.

4.It is true that the impugned order is an outcome of the revision petitioner's action. He had earlier filed C.R.P(MD)No.2132 of 2022 and obtained an order for disposal of the suit itself on or before 30.11.2023. He had also earlier filed similar applications and they were also allowed.



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5.Nothing stopped the revision petitioner from marking the documents now sought to be adduced when he had recalled himself earlier.

6.Be that as it may, since substantial civil rights are involved, it is only just and proper that the petitioner is given one more opportunity. As rightly pointed out by the learned Senior Counsel for the revision petitioner, what are sought to be received in evidence are only public documents. In this view of the matter, the impugned order is set aside. The petitioner of course has to be put on terms. The petitioner is directed to pay a sum of Rs.5000/- (Rupees Five Thousand only) towards cost to the plaintiff directly in the next hearing. The plaintiff is of course at liberty to raise objections as to admissibility and relevancy at the time of marking the documents. The Court below is directed to conclude the trial and dispose it of on merits and in accordance with law within a period of five months from the date of receipt of a copy of this order.



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7. These Civil Revision Petitions are allowed accordingly. These

Civil Revision Petitions are allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

10.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

The District Munsif Court,
Melur.



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G.R.SWAMINATHAN, J.

MGA

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10.09.2024