



C.R.P.(MD)Nos.2212, 2213 and 2214 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 27.02.2024

Pronounced on : 15.03.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)Nos.2212, 2213 and 2214 of 2019

and

C.M.P.(MD)No.11500 of 2019

1.Sundarambal

2.Tamilarasi

3.Veeramani

: Petitioners/Respondents/
Defendants 1 to 3
(in all revisions)

Vs.

1.Bhoopathi

: Respondent/Petitioner/Plaintiff

2.Selvi

: Respondent/4th Respondent/
4th Defendant
(in all revisions)

Common Prayer : These Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order made in I.A.Nos.611, 610 and 609 of 2018 in O.S.No.54 of 2016, dated 02.08.2019 on the file of the Sub Court, Thuraiyur.



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(in all revisions)

For Petitioners : Mr.N.Anandakumar

For Respondents : Mr.H.Lakshmi Shankar, for R1

: No Appearance, for R2

COMMON ORDER

These Civil Revision Petitions are directed against the common order, dated 02.08.2019 passed in I.A.Nos.611, 610 and 609 of 2018 in O.S.No.54 of 2016, dated 02.08.2019 on the file of the Sub Court, Thuraiyur.

2. The revision petitioners are the defendants 1 to 3 and the first respondent as plaintiff has filed the above suit in O.S.No.54 of 2016 on the file of the Subordinate Court, Thuraiyur, for partition and allotment of $\frac{1}{2}$ share in 'A' schedule property and for permanent injunction restraining the defendants and their men from interfering with the peaceful possession and enjoyment of the 'B' schedule property.

3. The defendants 1 to 3 and the fourth defendant have filed separate written statement and are contesting the suit. When the suit was pending for



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plaintiff's side further evidence, the above petitions came to be filed one to reopen the plaintiff's side evidence, second one to recall P.W.1 and the third one to receive the documents filed along with petition under Order 7 Rule 14(3) of C.P.C.

4. The main contention of the first respondent/plaintiff is that her husband Muthusamy, while working as a teacher in a Government aided School had died; that since the plaintiff was shown as the wife in the service book of her husband, she has been getting family pension; that the plaintiff has to obtain necessary endorsement from the Government authorities once in a year in the pension book; that the plaintiff has to produce the pension book, family card and Aathar card before the trial Court; that since the plaintiff was advised to retain the above documents as the same are very much essential for approaching the Government authorities and for all the purpose, she could not produce the same earlier and that therefore, the case has to be reopened and she has to be recalled for producing the above documents and for that purpose, the said documents have to be received.

5. The revision petitioners/defendants 1 to 3 have filed separate counter statements raising objections stating that the suit was filed in the



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year 2010 itself and the suit is pending for the past 7 years; that the plaintiff has not chosen to produce the above documents either along with plaint or at the time of her examination; that the petitioner has earlier filed an application in I.A.No.184 of 2017 seeking permission to produce 97 documents and the same was already allowed; that the plaintiff was already cross examined elaborately and after closure of the plaintiff side evidence, the above petition came to be filed and that the above petition has been filed only to fill up the *lacunae* in the plaintiff's case and that therefore, the same cannot be received in evidence at this point of time and that the petitions are liable to be dismissed. The learned trial Judge, after enquiry, has passed the impugned common order allowing the petition with conditions by imposing cost on the plaintiff. Aggrieved by the impugned order, the defendants 1 to 3 have preferred the present revisions.

6. The revision petitioners in their counter statement filed before the trial Court have also taken a stand that the plaintiff has not clarified as to whether she is going to produce the original records or the copies of the said records. The learned trial Judge in the impugned order has specifically observed that after reserving the above three petitions for orders, the same was reopened for clarifying as to whether the plaintiff is going to produce



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the original documents or the copies of the said documents, the counsel for the plaintiff submitted that in case of allowing all their applications, they are going to produce the original documents.

7. The learned counsel for the first respondent/plaintiff would submit that since because the plaintiff was advised not to file the above documents i.e., Pension Book, Pan card and Aathar card as the plaintiff requires those documents very often for approaching the Government authorities for getting any benefits from the Government; that the plaintiff has not chosen to file those documents earlier and that the questions put by the other side in the cross examination had necessitated the plaintiff to produce those documents at this point of time.

8. As rightly contended by the learned counsel for the first respondent, the plaintiff has sought permission to produce Pension book, Pan Card and Aathar Card. It is not the case of the revision petitioners that the said documents were created for the purpose of the case.

9. Considering the facts and circumstances of the case and taking note of the nature of the documents sought to be produced, the impugned



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common order allowing the petitions cannot be found fault with. The learned trial Judge, taking note of the inconvenience caused to the other side, has rightly imposed cost. Hence, this Court concludes that the Civil Revisions are devoid of merits and the same are liable to be dismissed.

10. In the result, these Civil Revision Petitions are dismissed. Since the suit is pending from 2016, the learned trial Judge is hereby directed to complete the trial and dispose of the suit as expeditiously as possible preferably within a period of three months from the date of receipt of copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

15.03.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
das



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To

- 1.The Sub Judge, Thuraiyur.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

DAS

Order made in
C.R.P.(MD)Nos.2212, 2213 and 2214 of 2019
and
C.M.P.(MD)No.11500 of 2019

Dated : 15.03.2024