



C.R.P(MD)Nos.2919 to 2921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)Nos.2919 to 2921 of 2023

and

C.M.P(MD)Nos.15109 to 15111 of 2023

C.R.P(MD)No.2919 of 2023:

Dhilipkumar

... Petitioner

Vs

1.Radharukmani
2.S.Jayasundari
3.T.Mahalakshmi
4.V.Kalaimani
5.R.Kodeeshwari

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.4 of 2023 in O.S.No.174 of 2020 dated 07.09.2023 on the file of the VI Additional District Court, Madurai by allowing the Interlocutory application.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.S.C.Herold Singh for R.2 to R.5
No Appearance for R.1



C.R.P(MD)Nos.2919 to 2921 of 2023

C.R.P(MD)No.2920 of 2023:

Dhilipkumar

... Petitioner

Vs

1.Radharukmani
2.S.Jayasundari
3.T.Mahalakshmi
4.V.Kalaimani
5.R.Kodeeshwari

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.3 of 2023 in O.S.No.174 of 2020 dated 07.09.2023 on the file of the VI Additional District Court, Madurai by allowing the Interlocutory application.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.S.C.Herold Singh for R.2 to R.5
No Appearance for R.1

C.R.P(MD)No.2921 of 2023:

Dhilipkumar

... Petitioner

Vs

1.Radharukmani
2.S.Jayasundari
3.T.Mahalakshmi
4.V.Kalaimani
5.R.Kodeeshwari

... Respondents



C.R.P(MD)Nos.2919 to 2921 of 2023

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.2 of 2023 in O.S.No.174 of 2020 dated 07.09.2023 on the file of the VI Additional District Court, Madurai by allowing the Interlocutory application.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.S.C.Herold Singh for R.2 to R.5
No Appearance for R.1

COMMON ORDER

These Civil Revision Petitions are filed to set aside the order passed in I.A.Nos.2,3 and 4 of 2023 in O.S.No.174 of 2020 dated 07.09.2023 on the file of the VI Additional District Court, Madurai by allowing the Interlocutory application.

2. The brief facts is that the suit in O.S.No.174 of 2020 was filed by this petitioner for specific performance and for costs, on the ground of a sale agreement dated 19.03.2010. The defendants appeared and filed their written statement. Issues were framed and trial was also commenced. On the closure of the trial process, this petitioner took out



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three petitions to reopen the evidence, to receive additional documents and for recalling himself for further chief examination with the following averments: i) The suit is posted for arguments ; ii)The documents are now sought to be produced namely Family Car, Driving licence, Gas connection Book, RC Book and Payment vouchers, Insurance Bank Passbook, Medical treatment records, other purchase vouchers and other documents are now produced to show his possession over the property. The reason stated in the petition is that the documents were misplaced and found recently. The respondents also filed counter stating that in C.R.P.No.1157 of 2022, a direction was issued to dispose the case within five months. To drag on the proceedings only, the petition is filed without any sufficient reason. After hearing both sides, the trial Court dismissed all the applications stating that no proper ground is made out. Apart from that the relevancy of the documents was also discussed by the trial Court. On those grounds, all the applications came to be dismissed. Challenging the dismissal, these three separate revisions are preferred.

3. Heard both sides.



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4. Learned counsel for the petitioner admitted that the delay in producing the documents is not properly mentioned by the petitioner in the affidavit. But according to him, in pursuance of the sale agreement, possession was handed over to them. To show the possession only now these documents are required to be produced. According to him, it will not create or cause any prejudice to the case of the respondents.

5. Per contra, learned counsel for the respondents would submit that inspite of specific direction issued by this Court, the petitioner is interested only in drag on the matter. Moreover, the relevancy of the documents is also not mentioned, apart from the absence of reasons for the delay.

6. No doubt, there is a delay on the part of the petitioner. The delay can be condoned, if sufficient reason is mentioned. But the fact remains that the petitioner wants to prove the possession on the basis of the documents now sought to be produced. So, on the considered view that one more opportunity may be given to the petitioner to produce all those documents. By producing all those documents, the case of the



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respondents may not be seriously prejudiced. The inconvenience caused to the respondents may be compensated by way of payment of costs.

7. Considering the nature of the suit and without going into the relevancy of the documents now sought to be produced, all the petitions are liable to be allowed on payment of Rs.5,000/- (Rupees Five Thousand Only). The costs must be deposited to the credit of the O.S.No.174 of 2020 on the file of the VI Additional District Court, Madurai, within a period of one week from the date of receipt of a copy of this order. On such payment, the respondents may be permitted to withdraw the amount. A date may be fixed by the trial Court for recalling the P.W.1. On that date, the examination must be over. Ofcourse, the respondents have the right of cross examination.

8. After passing of this order, learned counsel for the respondents made a request to make observation regarding the relevancy of the document and proof. This Court is concerned only with regard to receiving additional evidence and does not intend to make any observation over the relevancy, mode of proof, etc. It is completely



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within the jurisdiction of the trial Court. Those things can be canvassed by the respondents at the relevant time. Such right always available to the respondents. No specific observation is required on this.

9. With the above said observations, these Civil Revision Petitions are allowed.

30.01.2024

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

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To

- 1.The VI Additional District Court, Madurai
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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ORDER
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and
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30.01.2024