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CRP Nos.1127, 1320 & 1364 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP Nos.1127, 1320 & 1364 of 2025

and

CMP Nos.6620, 7825 & 8086 OF 2025

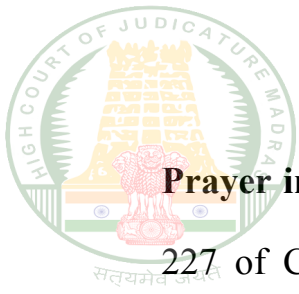
John Nesan,
S/o.Nehru Dhyriam,
Residing at No.43,
Ponniyamman Koil Street,
Adyar, Chennai-600 020.

Petitioner in all C.R.P's

Vs

1. Praveen Kumar
2. Ramnath
3. The Sub Registrar Office,
Madurantakam Sub Registrar Office,
Having office at Taluk, Office Road,
Madurantakam Town and Taluk,
Kancheepuram District.
4. Sasirekha
5. V.Vasudevan

Respondents in all C.R.P's



Prayer in C.R.P.No.1127 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to allow the above Civil Revision Petition by setting aside the Order in I.A.No.9 of 2024 in OS No.39 of 2012 on the file of the District Munsif Court, Madurantakam dated 05.09.2024.

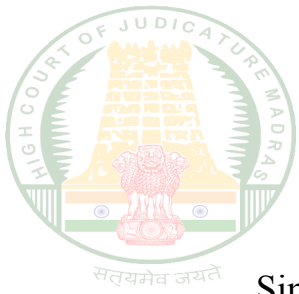
Prayer in C.R.P.No.1320 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to allow the above Civil Revision Petition by setting aside the order in IA No.7/2024 in OS No.39 of 2012 on the file of the District Munsif Court, Madurantakam dated 05.09.2024.

Prayer in C.R.P.No.1364 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to allow the above Civil Revision Petition by setting aside the order I.A.No.8/2024 in OS No.39 of 2012 on the file of the District Munsif Court, Madurantakam dated 05.09.2024.

Appearance of counsel in all C.R.P's

For Petitioner(s): Mr.R.Venkatesh

For Respondents : Ms.M.Vishali
For R1, R2 and R4
Mrs.K.Asmini Devi,
Additional Government Pleader for R3



COMMON ORDER

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Since the issue involved and the relief sought in all these Civil Revision Petitions are identical in nature, the same were heard together and decided vide this common order.

2. The Revision Petitions are directed against the dismissal of the I.A.Nos.7, 8 and 9 of 2024 in OS No.39 of 2012 before the District Munsif Court, Madhuranthagam. The petitioner as a plaintiff filed these applications when the suit was posted for arguments.

3. The case of the petitioner is that the petitioner intends to produce additional document namely registered Sale Deed dated 01.12.1958 for establishing his title. The trial Court has dismissed the applications finding that the same was filed belatedly.

4. The learned counsel for the respondents seeks for dismissal of the Civil Revision Petitions citing that the trial Court has rightly dismissed the

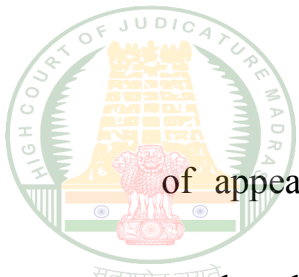


applications holding that there is a delay and lack of bonafides on the part of the petitioner/plaintiff.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. Admittedly, the suit is before the Court of first instance and evidence has been recorded and the suit is in the stage of arguments.

7. In my considered opinion, when the plaintiff seeks to introduce the document, which is a registered sale deed of the year 1958, an opportunity ought to be given to the plaintiff, subject to putting the petitioner/plaintiff on reasonable terms, instead of dismissing the applications on the ground that no reasons have been cited for non-filing the document earlier. This rule may not be strictly applicable to the suits, where the Court of first instance is trying the disputes between the parties. It is not a case of Order 41, Rule 27 of the CPC, where there is an embargo for producing the additional documents at the stage



of appeal, where such considerations as to why the documents were not produced earlier, have to be not only stated but also established. Therefore the strict rule cannot be applied before the trial Courts and as far as possible, the trial Court ought to give the parties an opportunity to put forth all their evidence before the suit is finally decided.

8. In view of the above, this Court is inclined to interfere with the orders in I.A.Nos.7, 8 and 9 of 2024 in OS No.39 of 2012 passed by the trial Court. At the same time, the respondents should be compensated by way of costs for the prejudice caused by way of delay on account of the plaintiff/petitioner.

9. In view of the above, these Civil Revision Petitions are allowed, subject to the petitioner paying a total cost of Rs.5,000/- to the respondents 1, 2 and 4 through the learned counsel appearing in the trial Court. On payment of such costs of Rs.5,000/- within a period of two weeks from the date of receipt of a copy of the order, the trial Court shall permit the petitioner/plaintiff to re-enter the witness box for the purpose of marking the document, namely sale deed



dated 01.12.1958. The respondent/official shall be at liberty to cross examine the petitioner/plaintiff with regard to the additional evidence. The trial Court

shall conclude the evidence part, within a period of 4 weeks from the date of the cost being paid by the petitioner and reported to the trial Court. Thereafter, the trial Court shall endeavour to dispose of the main suit in OS No.39 of 2012, within the period of two months thereafter. No costs. Consequently, connected

Miscellaneous Petitions are closed.

16-06-2025

jd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1. The District Munsif Court, Madurantakam.
2. The Sub Registrar Office,
Madurantakam Sub Registrar Office,
Having office at Taluk, Office Road,
Madurantakam Town and Taluk,
Kancheepuram District.



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P.B.BALAJI J.
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