



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.2183 of 2023
& CMP.No.13256 of 2023

1.Rajkumar
2.Arunkumar

... Petitioners

Vs.

D.Arjunan (Died)

1.R.Kasthuri
2.Adhikesavan

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order dated 29.03.2023 in I.A.No.1 of 2022 in O.S.No.60 of 2012 pending on the file of the II Additional District Munsif, Alandur.

For Petitioners : Mr.S.T.Bharath Gowtham

For Respondents : No appearance



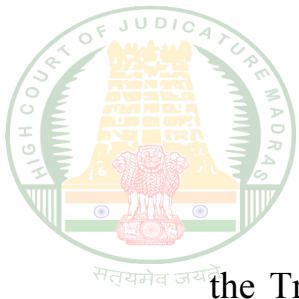
WEB COPY

ORDER

The Civil Revision Petition has been filed to set aside the docket order dated 29.03.2023 in I.A.No.1 of 2022 in O.S.No.60 of 2012 pending on the file of the II Additional District Munsif, Alandur.

2.Heard Mr.S.T.Bharath Gowtham, learned counsel for the petitioner. Despite adjourning the matter for the appearance of the learned counsel for the respondent, there has been no appearance till date. Hence, I proceeded to hear the learned counsel for the petitioner.

3.The learned counsel for the petitioner would submit that the 1st plaintiff, one D.Arjunan had filed an application under Order XVIII Rule 17 of CPC to recall himself for letting in further evidence, by marking additional documents. However, the said application was pending for close to six months and on 12.11.2019, by a common order, the applications came to be allowed on payment of cost of Rs.1,000/-. However, it is the specific contention of the learned counsel for the petitioner that the said Arjunan passed away on 05.10.2019 and the same was not brought to the notice of

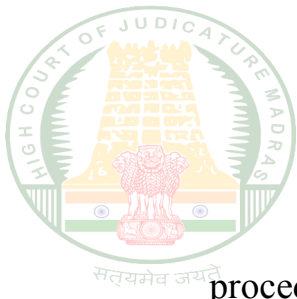


WEB COPY

the Trial Court, which has let to the order permitting recalling of the said Arjunan to the witness box. Thereafter, the matter has been pending and at the stage, I.A.No.1 of 2022 was taken out by one A.Kannayiram S/o. D.Arjunan, seeking for one, R.Kasthuri, the 2nd plaintiff to be examined as P.W.2 and also mark further documents. The Trial Court, in any by impuged order, has allowed the application, as against which, the revision is filed.

4.The learned counsel for the petitioner would state that the documents which are now sought to be introduced are totally new documents, for which leave of the Court has not been obtained under Order VII Rule 14(3) of CPC. He would further state that the documents, which are sought to be relied on by the said Arjunan, are entirely irrelevant. He would further state that though P.W1 was examined, no documents were exhibited on the side of the plaintiffs through P.W.1.

5.In any event, the 2nd plaintiff, being examined as P.W.2, may not be inappropriate, since she is already a party to the suit. However, the additional documents cannot be allowed to be marked, without the proper



WEB COPY

procedure being followed, as contemplated under Order VII Rule 14(3) of CPC. The Trial Court has passed a cryptic order, allowing I.A.No.1 of 2022, thereby permitting P.W.2 to be examined and to mark further documentary evidence. It is made clear that though P.W.2 is entitled to file additional documents, the plaintiffs would have to necessarily take out appropriate applications seeking leave of the Court, without which the documents cannot be received in evidence.

6. With the above direction, the Civil Revision Petition is allowed. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

13.08.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

ata



WEB COPY

To

The II Additional District Munsif, Alandur.



WEB COPY



P.B. BALAJI,J.

ata

CRP.No.2183 of 2023
& CMP.No.13256 of 2023

13.08.2025