



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 01.08.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.Nos.3329, 3332 and 3333 of 2025

M.D.Chandrika

... Petitioner in all CRPs

Vs.

V.Palani

... Respondent in all CRPs

PRAYER in CRP.No.3329 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decreetal order dated 03.07.2025 passed by the IV Additional Judge, City Civil Court, Chennai in I.A.No.7 of 2024 in O.S.No.1692 of 2021 on the file of the IV Additional Judge, City Civil Court, Chennai.

PRAYER in CRP.No.3332 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order and decreetal order dated 03.07.2025 passed by the IV Additional Judge, City Civil Court, Chennai in I.A.No.6 of 2024 in O.S.No.1692 of 2021 on the file of the IV Additional Judge, City Civil Court, Chennai.

PRAYER in CRP.No.3333 of 2025: Civil Revision Petition filed under



Article 227 of Constitution of India, to set aside the order and decreetal order dated 03.07.2025 passed by the IV Additional Judge, City Civil Court, Chennai in I.A.No.8 of 2024 in O.S.No.1692 of 2021 on the file of the IV Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.S.Ilamvaludhi
(in all CRPs)

For Respondent : Mr.M.Sriram
(in all CRPs)

COMMON ORDER

These Revision Petitions have been preferred by the defendant in O.S.No.1692 of 2021 before the IV Additional City Civil Court, Chennai challenging the dismissal of I.A.Nos.7, 6 and 8 of 2024 seeking to recall and reopen the evidence on the side of the defendant, as well as for marking additional documents. The said applications were strongly resisted by the respondent/plaintiff in the Trial Court & accepting the contentions of the respondent/plaintiff, the Trial Court proceeded to dismiss the said application, as against which the present Revision Petitions have been filed.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.



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3. The learned counsel for the petitioner, referring to the documents which have been sought to be produced, would state that the defendant's property has been snatched away by the plaintiff and in support of the same the defendant wants to introduce additional documents by way of medical records and also the complaint that has been lodged before the police authorities. He would also state that even as of September 2023, the property tax and water tax receipts are only in the name of defendant and only in order to establish all these facts, the applications have been taken out and the Trial Court, on an erroneous assumption that the petitioner was attempting to protract the proceedings, dismissed the applications.

4. The learned counsel for the petitioner would also place reliance on the decision of the Hon'ble Supreme Court in *Sugandhi and another Vs. P.Rajkumar* in Civil Appeal No.3427 of 2020.

5. The learned counsel would therefore pray for an opportunity being given to the defendant, to produce material documents to substantiate the



defense in the suits.

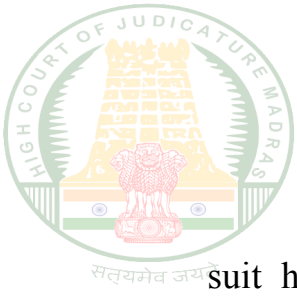
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6. Per contra, the learned counsel for the respondent / caveator Mr.M.Sriram would draw the attention of this Court that the proof affidavit filed by the defendant, as DW1, wherein, very same documents have also been annexed in the proof affidavit. However, for want of original or certified copies of the documents, it not be marked, and only three out of the total documents were marked as Ex.B1 to B3.

7. He further states that in a suit for recovery of possession, none of these documents are relevant and the Trial Court has rightly dismissed the applications.

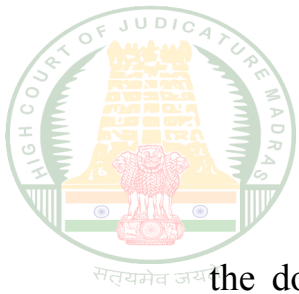
8. I have carefully considered the submissions advanced by the learned counsel on either side.

9. Admittedly, the suit is one for recovery of possession, filed by the respondent/plaintiff.



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10. The learned counsel for the petitioner would fairly concede that no suit has been filed, challenging the sale deed executed by the revision petitioner, in favour of the respondent/plaintiff. There is also no counter claim in the suit filed for recovery of possession. Therefore, the documents which are now sought to be introduced may be relevant documents for a claim, challenging the sale deed, but not in a suit for recovery of possession, where the respondent himself admits that the defendant has been in possession and therefore has laid the suit for recovery of possession. In so far as the reliance placed on the decision of the Hon'ble Supreme Court in ***Sugandhi and another Vs. P.Rajkumar*** case, no doubt, it is well settled law that procedure is a handmaid of justice & procedural and technical hurdles should not come in the way of the court doing substantial justice to the parties. Even in the said decision, the Hon'ble Supreme Court held that the litigation is nothing but a journey towards truth which is the foundation of justice and therefore, a lenient view should be taken when an application is taken for production of documents under sub-rule (3) is made. No doubt, the said ratio would apply to an application that is taken out by parties in a civil suit.



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11. However, the Court also has to necessarily look into the nature of the documents vis-a-viz the relief sought for in the suit and whether the documents are in any way going to assist the Court in adjudicating the issue that arises for consideration. In that sense, the Trial Court has rightly appreciated the documents that were sought to be produced and also finding that the documents are only photo copies and that moreover, even earlier an attempt was made to produce the documents along with the proof affidavit of DW1 and the same was not allowed to be marked. It is also seen that application has been taken out after the evidence was closed and the suit is posted for arguments.

12. I do not find justifiable reasons set out in the affidavit filed in support of the present petitions seeking re-opening and recalling of DW1 for the purpose of marking additional documents. In fact, the Trial Court has also noted that the defendants had made an endorsement that there was no further evidence. In view of the above, I do not find any infirmity in the order passed by the Trial Court warranting interference under Article 227 of the Constitution of India.

13. These Civil Revision Petitions are dismissed. No costs.



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Speaking/Non-speaking : Yes/No

Index : Yes / No

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To

1. The IV Additional Judge, City Civil Court, Chennai.

P.B. BALAJI,J.

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