



C.R.P.(PD)(MD)No.632 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.632 of 2025

and

C.M.P(MD)No.3415 of 2025

N.Gnanasekharan

...Petitioner/Petitioner/7th Defendant

Vs.

S.Ramachandran Nadar (Died)

N.Santhappan (Died)

1.P.Azhagesan

2.B.Kannan

3.R.Murugan

4.R.Rajakali

5.R.Chellathurai

...Respondents 1 to 6/Respondents 1 to 6/
Plaintiffs

6.Vadalikattuvilai Oor Sriman

Represented by the present Office Bearers.

T.Sri Ranganathan (Died)

C.A.Venugopal (Died)

B.Chinathamoni (Died)

I.Rajagopal (Died)

7.R.Raja Mannar

R.Rajasekaran (Died)

8.I.Thanukrishnan

9.C.Bhagavathikumar

...Respondents 7 to 9/Respondents 7 to 9/
Defendants 1 to 6 & 8 to 16



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order, dated 09.01.2025 passed in I.A.No.12 of 2025 in O.S.No.676 of 2006 on the file of the I Additional District Munsif, Nagercoil.

For Petitioner : Mr.A.R.Sethupathy

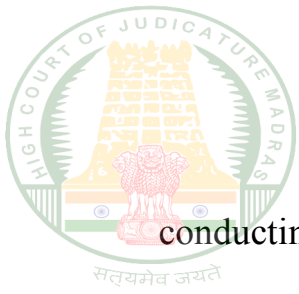
For Respondents : Mr.S.Jayakumar for R9

* * * * *

ORDER

The seventh defendant in O.S.No.676 of 2006, on the file of the First Additional District Munsif Court, Nagercoil, has filed the present revision petition, challenging the dismissal of his application for reception of documents.

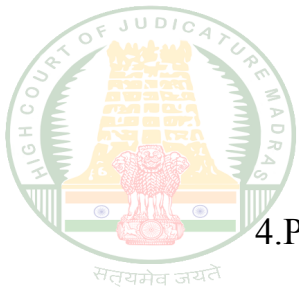
2.A perusal of the records reveal that the suit was filed for the relief of declaration that the first defendant's Temple belongs to Vadalikattuvilai Oor Nadar Samudhayam and the people of the said Samudhayam are the members of the first defendant's Temple. The plaintiffs had further prayed for permanent injunction restraining the defendants from interfering or disturbing the right to worship and offering poojas by Vadavikattuvilai Oor Nadar Samudhayam also



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conducting and participating in the temple function and festivals. When the suit was posted for cross examination of D.W.1, the defendants had filed I.A.No.11 of 2024, for reception of documents. This application was allowed and Ex.B.1 to Ex.B10 were marked. Thereafter, the seventh defendant was cross examined on 10.12.2024 and 19.12.2024 and when it was posted for further cross examination of D.W.1, the seventh defendant has filed the present application in I.A.No.12 of 2025, for reception of further documents, namely, three documents of the year 2002, 2004 and Partition Deed No.1081 of 1114 Malayalam era with Tamil translation. These applications came to be dismissed by the trial Court on the ground that these applications have filed belatedly only to drag on the proceedings. Challenging the same, the present civil revision petition has been filed.

3.According to the learned Counsel appearing for the revision petitioner, these documents are very relevant for disposal of the suit and by mistake, they were not filed before the Court either along with the plaint or along with I.A.No.11 of 2024. He further contended that time limit may be fixed for disposal of the suit.



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4.Per contra, the learned Counsel appearing for the respondents herein had pointed out that the arguments have been completed and orders were reserved on 26.02.2025 and case is posted for judgment to 15.03.2025. He further contented that this is a second application filed by the seventh defendant for marking of the documents. In the previous application in I.A.No.11 of 2024, these documents were not shown and the second attempt is being made at belated stage.

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

6.The suit is of the year 2006 and the defendant had filed his first application only in the year 2024 for reception of the documents and the said application was allowed. Thereafter, when the seventh defendant was being cross examined, the present second application has been filed in I.A.No.12 of 2025 for reception of three other documents. The Court also takes note of the fact that the arguments have been completed and the judgments were reserved on 26.02.2025 posting the matter to 15.03.2025 for pronouncing judgment. At this stage, the defendant cannot be permitted to file his application for reception of the documents. In case, if the plaintiff is not successful before the trial Court,



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he is always at liberty to invoke the jurisdiction of the first appellate court by filing an appropriate application before the first appellate Court.

7. With the above said observations, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

28.02.2025

Internet: Yes/No
Index: Yes/No
RJR

To

The I Additional District Munsif Court, Nagercoil.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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