



CRP(MD). No.1663 to 1665 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 16/06/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). Nos.1663 to 1665 of 2025
and CMP(MD) No.8822 of 2025**

F.Francis Bastiyan

... Petitioner/1st defendant
in all petitions

Vs

1. V.Rajasekaran

2. A.Jesuraj Alias Anbarasan

... Respondents in
all petitions

PRAYER :-Civil Revision Petitions filed under Article 227 of Constitution of India, to call for the records of the order in I.A.Nos.16 to 18 of 2025 in O.S.No.03 of 2017 on the file of the District Munsif, Melur dated 15-04-2025 and to set aside the same.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.B.Prasanna Vinoth for R1

ORDER

The Civil Revision Petition is filed against the order dated 15.04.2025 in I.A.Nos.16 to 18 of 2025 in O.S.No.03 of 2017 on the file of the District Munsif, Melur.

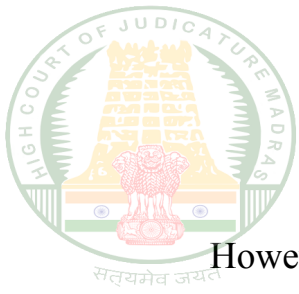


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2. The petitioner's case is that he is the 1st defendant in OS No. 3/2017 filed by the first respondent/plaintiff. The petitioner filed an application in IA Nos.16 to 18/2025 under Order VIII Rule 1(A)(3) of the Civil Procedure Code to receive additional documents by reopening his evidence/D.W.1 and the said petitions were dismissed. Challenging the same, the petitioner is before this Court with these petitions.

3. The learned counsel for the petitioner would submit that the first respondent/plaintiff filed the suit for declaration and permanent injunction against the petitioner and the 2nd respondent. However, in the earlier occasion, the petitioner filed applications for reopening his side and recalling himself and for marking certain documents. The said applications were dismissed, against which, the petitioner filed civil revision petitions before this Court and this Court vide order dated 13.10.2024 allowed those petitions by setting aside the order of the Court below and the petitioner was allowed to reopen his evidence and mark certain documents and the trial Court was also directed to conclude the trial and dispose of the same on merits within a period of five months.



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However, trial was not concluded as per the order of this Court.

Subsequently at the time of identifying the documents, the petitioner came to know that some more documents, which are vital to decide the lis, and hence, filed applications for recalling his evidence and to receive additional documents, which were dismissed. It is his contention that when the documents are just and necessary to decide the issue, the trial Court ought not to have dismissed those applications and hence, prays for interference.

4. The learned counsel for the first respondent, on the other hand, would contend that the intention of the petitioner is to drag on the proceedings by filing one application or the other right from the institution of the suit and in the year 2024, he has filed applications to reopen his evidence and to mark additional documents and in the year 2025 also, he has filed three applications for the very same prayer. In the earlier occasion, this Court issued direction to the Court below to complete the trial on or before five months, however, till date, the trial has not seen the light of the day. Therefore, the learned counsel would submit that this Court may direct the petitioner to reopen his evidence by



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fixing the date and on that date, the first respondent is ready to cross-examine, however, by imposing cost on the petitioner.

5. I have considered the rival submissions and perused the materials available on record.

6. The undisputed facts are that the petitioner is the first defendant in the suit and the suit was filed by the first respondent/plaintiff for declaration and permanent injunction. Initially, the evidence of the petitioner/1st defendant was posted on 01.12.2023 and as per his request, it was adjourned to 05.12.2023 and the trial Court closed the evidence on 07.12.2023. Thereafter, the petitioner filed IA Nos.5 and 6 of 2023 for reopen and recall the evidence and the same was allowed by the trial Court and the petitioner examined himself as D.W.1 on 13.12.2023 and marked documents Ex.B1 to B37 and the cross examination of DW1 was also completed on 19.12.2023 and the suit was posted for further evidence. In the meanwhile, the evidence of 2nd respondent/2nd defendant was also completed. Subsequently, the matter was adjourned to 11.01.2024 for let in further evidence on the side of the petitioner herein.



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At that point of time, applications came to be filed by the petitioner to adduce additional evidence, which were dismissed against which, the petitioner preferred civil revision petitions by filing CRP(MD) Nos.1145 and 1146 of 2024 and this Court allowed those civil revision petitions on the ground that since the documents, which are sought to be received in evidence are public documents, permission was granted by this Court and the trial Court was also directed to conclude the trial within a period of five months. However, even after completion of five months from the date of receipt of the order, the trial has not concluded. While so, the petitioner again filed applications to reopen his evidence and for receiving documents and the trial Court dismissed those applications.

7. It is to be noted that even after completion of five months, when the trial has not concluded, no application was filed for extension of the time limit fixed by this Court. When the petitioner already filed two similar applications by stating the reason that some documents were failed to produce, again for the very same reason, the petitioner has now filed three applications to reopen his evidence and to receive additional documents. Hence, the trial Court dismissed the applications as the reason cannot be considered.



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8. However, while recording the fact that even after 2 ½ years of the order of this Court, the case was not disposed, which is gross violation of the order of this Court and in order to give one more opportunity to the petitioner and to meet the ends of justice, as consented by the learned counsel for the first respondent, the trial Court shall permit the petitioner to recall himself and to receive additional documents, however, the petitioner shall be put on terms.

9. In fine, the civil revision petitions are allowed by setting aside the orders dated 15.04.2025 in IA Nos.16 to 18 of 2025 in the following terms:

The trial Court is directed to permit the petitioner to let in evidence and mark the documents on 25.06.2025 in order to enable the first respondent to cross-examine D.W.1 and the first respondent shall cross-examine the petitioner/D.W.1 on the same day, subject to the condition that the petitioner shall pay a sum of Rs.30,000/- (Rupees thirty thousand only) to the State Legal Services Authority on or before 24.06.2025 and produce the receipt before the lower Court.



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No costs. Consequently connected Miscellaneous Petition is closed.

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NCC : Yes/No

Index : Yes/No

RR

TO

1.The District Munsif, Melur

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) Nos.1663 to 1665 of 2025**

Date : 16/06/2025