Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 7422 of 2026
CNR:{HCMA012577212026}
AND
CMP NO. 31937 OF 2026

Case QR

Divij Jain
S/o. Sanjay Kumar

..Petitioner(s)

Vs

1. N.V.Gunasekaran
2. N.V.Pattabiraman

..Respondent(s)

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 09.07.2026 made in IA No.5 of 2026 in OS No.97 of 2015 on the file of the learned Subordinate Judge, Udhagamandalam.

For Petitioner(s): Mr.K.Sharath Chandran

Order

This Civil Revision Petition has been filed under Article 227 of the Constitution of India challenging the fair and decretal order passed in IA No.5 of 2026 in OS No.97 of 2015 on the file of learned Subordinate Judge, Udhagamandalam. wherein the application filed by the respondents /defendants under Order VIII Rule I -A (3) r/w Section 151 of CPC seeking leave of the Court to receive additional documents, came to be allowed by the

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Court below, by imposing costs.

2. Heard the learned counsel for the petitioner and carefully perused the materials available on record as well as the order passed by the Court below.

3. The petitioner is the plaintiff, who filed the suit in OS No.97 of 2015 seeking for the reliefs of delivery of possession, permanent injunction, mandatory injunction and for damages. The suit had reached the stage of trial and the recording of evidence on the side of the plaintiff had been completed. The matter was thereafter posted for recording evidence on the side of the defendants. At that stage, the respondents /defendants filed IA No.5 of 2026 seeking leave of the Court to receive additional documents.

4. The petitioner / plaintiff opposed the said application on the ground that the suit was of the year 2015 and that the present application has been filed with an unexplained delay of 10 ½ years and it certainly will prejudice the right of the petitioner / plaintiff.

5. The Court below after considering the rival contentions, came to a conclusion that the suit was only at the stage of recording evidence on the side of the defendants and that no prejudice will be caused to the petitioner / plaintiff if the application is allowed since they will have an opportunity to

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cross examine the witnesses with reference to the documents that are sought to be brought in by the respondents/defendants. The Court below also took into consideration the delay in filing the application and accordingly, imposed a cost of Rs.2,000/-.

6. In the considered view of this Court, the order passed by the Court below does not suffer from any perversity or illegality warranting the interference of this Court. The Court found that the application was filed with a delay but however it was filed just before the commencement of the recording of evidence on the side of the defendants. Therefore, the Court below satisfied itself that no prejudice will be caused to the petitioner since the petitioner / plaintiff will get an opportunity to cross examine witnesses with reference to the additional documents and raise appropriate objections at the time of marking of the documents. The Court has also taken into consideration the delay in filing the application and imposed cost.

7. In view of the above, this Court does not find any ground to interfere with the order passed by the Court below and accordingly, the order passed in I.A. No.5 of 2026 is confirmed and this Civil Revision Petition is disposed of with a direction to the learned Subordinate Judge, Udhagamandalam in OS No.97 of 2015 within a period of three months from the date of receipt of a copy of this order. A compliance report shall be filed

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N.ANAND VENKATESH J.

RKA

before this Court. No costs. Consequently, the connected miscellaneous petition is closed.

25-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

RKA

To
The Subordinate Judge, Udhagamandalam

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