



C.R.P. Nos. 3057 to 3059 of 2017

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

WEB COPY

DATED : 19.10.2022

CORAM

**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

C.R.P.Nos. 3057 to 3059 of 2017

and

C.M.P. No. 14368 of 2017

Palaniyandi (deceased)

1. Revathi,

W/o. Late Subramaniya Mudhaliyar

2. Kiruthika (minor)

D/o. Late Subramaniya Mudhaliyar

3. Guru (minor)

S/o. Late Subramaniya Mudhaliyar

rep by Revathi, mother and natural guardian

... Petitioners in  
all C.R.P.s

Versus

1. Lakshmipathy,

Hereditary Trustee

rep. by Power Agent P.T.Rajan

2. Kannan,

S/o. Pazhaniyandi Mudaliyar



C.R.P. Nos. 3057 to 3059 of 2017

WEB COPY

3. Lakshmi @ Annalakshmi,  
W/o. Kamaraj

... Respondents in  
all C.R.P.s

**PRAYER :** Civil Revision Petition filed under Sec.115 of Civil Procedure Code, praying to set aside the fair and decreetal orders passed in I.A.Nos.278 to 280 of 2016 in O.S.No. 73 of 1999 dated 03.10.2016 on the file of District Munsif cum Judicial Magistrate Court, Tittagudi.

For Petitioners : Mr.G.Surya Narayanan

For Respondents : Mrs.R.Meenal for R1

R2 & R3 – No appearance

### **COMMON ORDER**

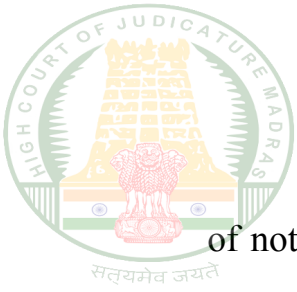
The Revision Petitioners herein are the defendants 2 to 4 in the suit in O.S.No.73 of 1999 on the file of District Munsif cum Judicial Magistrate, Tittagudi, which was filed by 1<sup>st</sup> respondent/plaintiff for the relief of bare injunction.



C.R.P. Nos. 3057 to 3059 of 2017

**WEB COPY** 2. The defendants contested the suit by filing their written statement and the trial was begin and after examination of witnesses, the defendants filed applications in I.A.Nos.278 to 280 of 2016, praying the court to recall, re-open in order to mark the documents 1 to 7 and to receive additional documents. The said applications were strongly objected by the plaintiffs stating that the documents were submitted belatedly and with regard to documents 5 to 7, they were already marked and those documents are not necessary to adjudicate the issue between the parties. On considering submissions of both sides, the trial court dismissed the applications stating that already the documents 1 to 4 were marked and with regard to the documents 5 to 7, they were not necessary for the proceedings pending between the parties. Challenging the said findings, the present Civil Revision Petitions have been filed.

3. The learned counsel for revision petitioners submitted that those documents produced in order to mark on their side, which are necessary to adjudicate the issue between the parties. All those documents are exchange



C.R.P. Nos. 3057 to 3059 of 2017

of notices and other documents relied on with both parties concerned. But, the learned counsel for respondents submitted that those documents are not necessary to adjudicate the issue because the H.R.C.O.P. proceedings were already ended.

4. Heard and considered rival submissions made by learned counsel for revision petitioners as well as respondents and perused the records.

5. On seeing the facts, the suit is pending from the year of 1999 with regard to H.R.C.O.P. proceedings between the parties, to adjudicate the issue, the documents were relied on by the defendants. In order to avoid multiplicity of proceedings and the reasons assigned by the revision petitioners seems to be justifiable one, the orders passed by the trial court are liable to be set aside. Accordingly, these Civil Revision Petitions are allowed and the orders passed by the trial court in I.A.No. 278 to 280 of 2016 are set aside. However, liberty is granted to the defendants to mark the documents with subject to proof and relevancy the same are allowed to be marked. Since the suit is pending from the year of 1999, the trial court is



C.R.P. Nos. 3057 to 3059 of 2017

directed to proceed with the case and dispose the same within a period of three months from the date of receipt of copy of this order. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

**19.10.2022**

Index : Yes/No  
Internet: Yes/No  
Speaking/Non Speaking order  
rpp

To

District Munsif cum Judicial Magistrate,  
Thittakudi.



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C.R.P. Nos. 3057 to 3059 of 2017

**T.V.THAMILSELVI, J.**

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C.R.P.Nos. 3057 to 3059 of 2017

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