

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.06.2015

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(PD)No.2356 of 2015 &
M.P.No.1 of 2015

G.Margabandhu

... Petitioner

v.

R.Kasinathan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 12.01.2015 made in I.A.No. 1348 of 2014 in O.S.No.73 of 2010 on the file of District Munsif Court, Vellore.

For Petitioner : Mr.T.R.Rajaraman

O R D E R

Challenging the fair and final order passed in I.A.No. 1348 of 2014 in O.S.No.73 of 2010 on the file of District Munsif Court, Vellore, the defendant has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.73 of 2010 for declaration and permanent injunction. The defendant filed his written statement and is contesting the suit.

3. The defendant filed an application in I.A.No.1348 of 2014 to direct the plaintiff to file fresh chief examination affidavit in O.S.No.73 of 2010 after setting aside the chief examination already recorded including the marking of the documents viz., Exs.A1 to A7 on 4.6.2014. The application was contested by the plaintiff.

4. The Trial Court, after taking into consideration the case of both the parties, dismissed the application.

5. Mr.T.R.Rajaraman, learned counsel appearing for the petitioner submitted that since the plaintiff has not yet been cross examined by the defendant, it would be suffice to permit the defendant to cross examine the plaintiff with regard to the admissibility and relevancy of exhibits marked on the side of the plaintiff viz., Exs.A1 to A7.

6. It is needless to say that the defendant can put questions with regard to the admissibility and relevancy of the documents at the time of cross examination of the plaintiff. The plaintiff has to establish the admissibility and relevancy of the documents at the time of cross examination.

7. In these circumstances, I do not find any reason to interfere with the order passed by the Trial court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. However, the Trial Court shall give an opportunity to the defendant to cross examine the plaintiff with regard to the admissibility and relevancy of the documents viz., Exs.A1 to A7.

With this observation, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : No
Internet : Yes

29.06.2015

Note : Issue copy of the order on 02.07.2015

Rj

To

The District Munsif Court,
Vellore

M. DURAISWAMY,J.,

Rj

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