

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Civil Revision Petition (PD) No.3194 of 2015
and
M.P.No.1 of 2015

R.Jayagopi

...Petitioner/Plaintiff

vs.

1.R.Shanmugam
2.R.Dhanapal
3.R.Elumalai
4.R.Shanthi

...Respondents/Defendants

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 04.03.2015 passed in I.A.No.16 of 2015 in O.S.No.29 of 2012 on the file of the Additional Subordinate Judge, Thiruvallur.

For petitioner : Mr.Udaykumar
for M/s.Karan and Uday

For respondents : Mr.N.Ramesh

ORDER

The revision petitioner is the plaintiff in O.S.No.29 of 2012 on the file of the Additional Subordinate Judge, Tiruvallur. It is a partition suit. The respondents herein are the defendants.

2. The respondents herein filed I.A.No.16 of 2015 in O.S.No.29 of 2012 to condon delay and to file additional document and also to mark the same as Exhibit on the side of the defendants.

3. The learned Trial Judge passed an order dated 4.3.2015 in I.A.No.16 of 2015 in O.S.No.29 of 2012 allowing the Application in the following terms:-

"As per the dictum laid down in the Bipin Shanthilal Panchal vs. State of Gujarat reported in 2001 (3) SCC 1, additional document may be

received and the validity of the document shall be decided during the final stage of the suit."

4. A perusal of the impugned order of the Trial Court makes it clear that the delay was condoned and the document was received. It is taken on file subject to proof and admissibility. In my view, mere receipt of document subject to proof and admissibility will not cause any prejudice to the revision petitioner. Hence, the Revision Petition fails and the same is dismissed. The connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

asvm

To

The Additional Subordinate Judge,
Thiruvallur.

1 CC to M/s.Karan and Uday, Advocate SR.No.43317

CRP (PD)No.3194 of 2015
and
M.P.No.1 of 2015

KJI (CO)
PSI (03.09.2015)

सत्यमेव जयते

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