

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.No.3580 of 2015

and

M.P.No.1 of 2015

Kalaivanan Rep.by his power of
Attorney Muthukrishnan

... Petitioner/Petitioner/Defendant No.1

Vs.

1.Sagayamarie Rayar rep by her power of
Attorney Vijayan

.. Respondent/1st Respondent/Plaintiff

2.Francois Marie Antoine Rayar

3.Marie Victor Djeearaj Rayar

.. Respondents 2 & 3/Respondents/
Defendants 6 & 7

4.Vijayalakshmi

5.Sornamala

6.Sangeetha

7.Sarojini

.. Respondents 2 to 5/Petitioners/
Defendants No.2 to 5

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 31.07.2015 made in I.A.No.725 of 2015 in O.S.No.127 of 2012 on the file of the III Additional District Judge, Puducherry.

For Petitioner : Mr.A.Tamilvanan

ORDER

The revision petitioner is the 1st defendant in O.S.No.127 of 2012. The details of the suit are not necessary for disposal of the Civil Revision Petition.

2. According to the revision petitioner/1st defendant, the xerox copies of the documents namely, Ex.A.23 and Ex.A.24 were marked

without producing the originals. Hence, the revision petitioner filed an application in I.A.No.725 of 2015 in O.S.No.127 of 2012 to reject those documents.

3. The Trial Court passed an order dated 31.07.2015 in I.A.No.725 of 2015 in O.S.No.127 of 2012 rejecting the said application. However, the Trial Court held that mere marking of the document, that too with objection will not confer any benefit on the plaintiff, who is the first respondent herein. It was further held that the admissibility of those documents can be decided only at the time of final hearing and the interest of the revision petitioner would be protected. Against the aforesaid order, the present Civil Revision Petition has been preferred.

4. Heard the learned counsel appearing for the petitioner.

5. I have perused the order passed by the Trial Court and it will be useful to extract paragraph 7 of the said order.

"7. I have perused the records. In the present case Ex.A.23 and Ex.A.24 are marked subject to objection. Admittedly they are xerox copies. According to the respondent original of Ex.A.23 has been surrendered to French Consulate and Ex.A.24 requires time to procure the original. So those documents were marked subject to objection. So 2002 (1) MLJ 213 is fitting with the facts of this case. In the present case also Ex.A.23 and Ex.A.24 are marked by making note of such objection and the objection will be decided at the last stage in the final judgment. Now this petition was filed in the defendant side argument stage to prolong the proceedings. Hence petition is dismissed. No costs."

6. Therefore, the Trial Court has not stated that those documents are admissible in evidence. However, it is stated that the admissibility of those documents would be considered at the final stage. Hence, I am of the view that no prejudice would be caused to the petitioner just because the xerox copies of the documents were marked as Ex.A.23 and Ex.A.24, since the Trial Court is conscious of the fact that those documents were marked with objections.

7. Hence, the Civil Revision Petition is disposed of with the above said observations. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-

Assistant Registrar(CO)
dt:28/09/2015

True Copy

Sub-Assistant Registrar

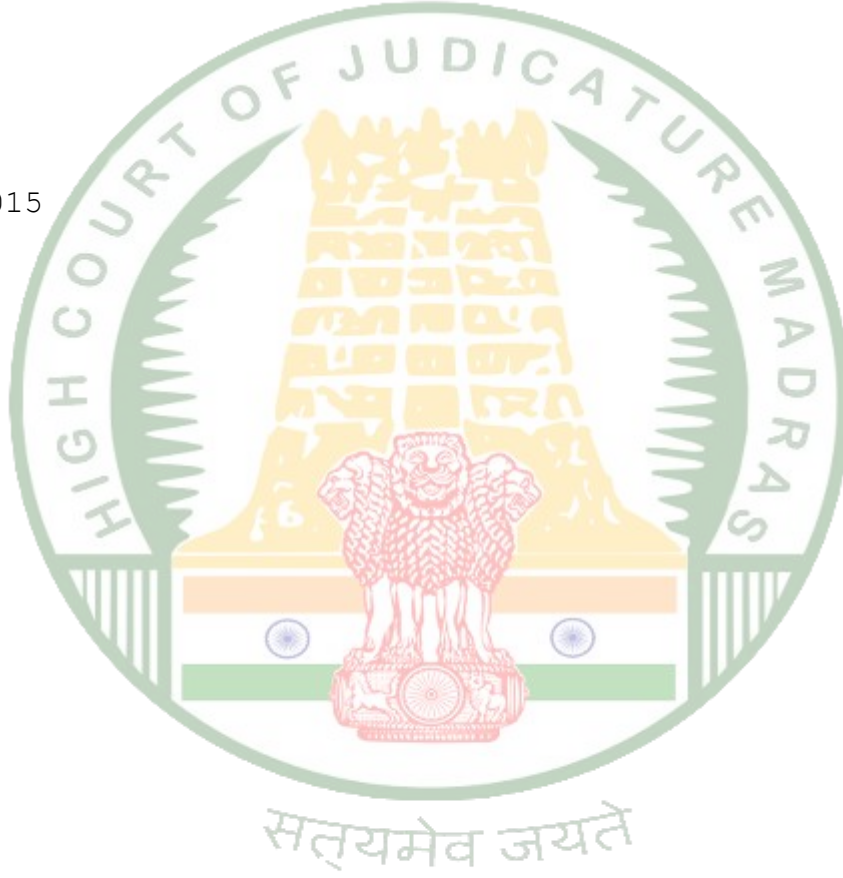
To

The III Additional District Judge,
Puducherry.

+1 cc to Mr.A.Tamilvanan vide sr.49710

C.R.P.No.3580 of 2015

skv (co)
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