

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM:

THE HON'BLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P.Nos.3778 & 3779 of 2015

and

M.P.Nos.1, 1 & 2 of 2015

C.R.P.No.3778 of 2015

V.K.Venkatesan
S/o.Kuppan

... Petitioner/Petitioner/Defendant

Vs.

Dhanalakshmi
W/o.S.Rajarajan

... Respondent/Respondent/Plaintiff

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the decreetal and common orders dated 18.08.2015 passed in I.A.No.680 of 2015 in O.S.No.48 of 2015 on the file of the Additional District Munsif, Vaniyambadi.

For Petitioner : Mr.S.Subbiah
For Respondent : Mr.C.Jagadish

C.R.P.No.3779 of 2015

V.K.Venkatesan
S/o.Kuppan

.. Petitioner/Petitioner/Defendant

Vs.

Dhanalakshmi
W/o.S.Rajarajan

.. Respondent/Respondent/Plaintiff

Prayer:

Civil Revision Petition filed under Article 227 of the Constitution of India against the decreetal and common orders

dated 18.08.2015 passed in I.A.No.681 of 2015 in O.S.No.48 of 2015 on the file of the Additional District Munsif, Vaniyambadi.

For Petitioner : Mr.S.Subbiah
For Respondent : Mr.C.Jagadish

C O M M O N O R D E R

The revision petitioner is the defendant in O.S.No.48 of 2015 on the file of the Additional District Munsif Court, Vaniyambadi. It is a suit for declaration and other reliefs.

2. The respondent/plaintiff filed an application in I.A.No.384 of 2015 for interim injunction and the same was also granted.

3. The case of the revision petitioner, who is the defendant in O.S.No.48 of 2015 is that the husband of the plaintiff in O.S.No.48 of 2015 executed an agreement of sale of the property concerned in the suit. It is also stated that the revision petitioner has filed a suit for specific performance based on the said agreement. After executing an agreement, the husband of the plaintiff in O.S.No.48 of 2015 settled the property in favour of the plaintiff in O.S.No.48 of 2015. Based on the said settlement, it is stated by the learned counsel for the petitioner that the suit was filed.

4. The revision petitioner filed a counter in I.A.No.384 of 2015 in O.S.No.48 of 2015.

5. It is admitted that after the filing of the counter and after hearing both sides, the injunction granted in I.A.No.384 of 2015 was made absolute on 18.08.2015. Therefore, the only remedy available for the revision petitioner is to file an appeal against the order making the interim injunction absolute.

6. Further, when the application in I.A.No.384 of 2015 was being heard, the revision petitioner filed applications in I.A.Nos.680 and 681 of 2015 to receive some documents and to accept the xerox copies as secondary evidence.

7. Though the Trial Court made the interim injunction absolute, it had rejected the applications on 18.08.2015 in I.A.Nos.680 and 681 of 2015 on the ground that the documents that were produced are only the xerox copies. The revision petitioner is against the order dated 18.08.2015 made in I.A.Nos.680 and 681 of 2015.

8. The revision petitioner wanted to produce certain documents in I.A.No.384 of 2015, and the documents are relating to the specific performance suit filed by the revision

petitioner and hence, I.A.Nos.680 and 681 of 2015 were filed to receive the xerox copies of the documents.

9. It is contended by the learned counsel for the revision petitioner that at that point of time, the suit for specific performance was not numbered in the concerned Subordinate Court and hence, the certified copies could not be obtained and filed. In those circumstances, the revision petitioner wanted to rely upon the xerox copies of the documents as secondary evidence.

10. Now, it is submitted by the learned counsel for the petitioner that the suit for specific performance is numbered and the revision petitioner is willing to file the certified copies. In these circumstances, in the event of revision petitioner filing an appeal against the order dated 18.08.2015, wherein the interim injunction was made absolute, the appellate Court can receive the certified copies of the documents and the evidentiary value of the document can be decided by the appellate Court, after hearing both sides, as per law.

11. The Civil Revision Petitions are disposed of with the aforesaid observations. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

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To

The Additional District Munsif, Vaniyambadi

+2ccs to M/s.S. Subbiah, Advocate, S.R.No.56901

+1cc to M/s. C. Jagadish, Advocate, S.R.No.56683

MP(CO)

EU(19/10/2015)

C.R.P.Nos.3778 & 3779 of 2015