

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

CRP.PD.No.3932 of 2015 and
M.P.No.1 of 2015

1. Loganayaki
2. Komalavalli
3. Thiyagarajan
4. Balamurugan
5. Nalini
6. Priya

.. PETITIONERS

Vs

Sabapathy

.. RESPONDENT

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 08.07.2015 passed in I.A.No.36 of 2015 in O.S.No.63 of 2008 on the file of the District Munsif-cum-Judicial Magistrate, Thirukalukundram.

For petitioners : Mr.J.Karthikeyan

For Respondent : ...

ORDER

The Revision Petitioners are the plaintiffs in O.S.No.63 of 2008 on the file of the learned District Munsif-cum-Judicial Magistrate,

Thirukalukundram.

2. The details of the suit are not relevant for the disposal of the Revision Petition.

3. The respondent is the 1st defendant in O.S.No.63 of 2008. The respondent filed I.A.No.36 of 2015 in O.S.No.63 of 2008 under Order 8 Rule 1A(3) CPC to receive certain documents and to mark as Exhibits on the side of the 1st defendant. The respondent produced 18 documents.

4. The Revision Petitioners filed counter affidavit opposing the same. But ultimately, the trial court passed an order dated 08.07.2015 in I.A.No.36 of 2015 in O.S.No.63 of 2008 allowing the application in so far as receiving the documents is concerned. The trial court has held that the evidentiary value of the documents could be decided at the time of trial. It is also stated that the documents are received subject to proof and relevancy and the same could be decided at the time of marking of the documents.

5. While so, the revision petition is filed questioning the above said order dated 08.07.2015 made in I.A.No.36 of 2015 in

O.S.No.63 of 2008 .

6. Heard the learned Counsel appearing for the Revision Petitioners.

7. The learned Counsel for the Revision Petitioners has vehemently contended that those documents, that are produced, are not admissible in evidence and therefore, the same shall not be received by the trial court.

8. I have considered the above submission of the learned Counsel for the Revision Petitioners.

9. The trial court has categorically held that the documents are received subject to proof and relevancy, that are, to be decided at the time of arguments and marking of the documents. It is also stated that there is no impediment to receive the documents which were filed along with the petition. The trial court has also held that the evidentiary value of the documents will be considered at the time of trial. In this regard, it is useful to extract para 19 of the order hereunder:

"19. Hence, instant case the petitioner filed documents along with petition to receive on the side of the 1st defendant. Whereas the respondents stating that the genuinity and evidenceally value of the documents and all the documents were fabricated and created one. Since the genuinity and validity of the documents be decided at the time of trial. Hence, documents filed along with a petition may be accepted subject to proof and relevancy of the documents to be decided at the time of argument and marking of the documents. Hence there is no impediment to receive the documents which was filed along with the petition. The evidenceally value of the documents are all decided by oral and documentary evidences only. Hence the petition is allowed and the documents produced along with petition No.1 to 18 are subject to accept the proof and relevancy.

In the light of above discussion and facts and circumstances narrated this petition is allowed."(sic)

10. Since the trial court has only received the documents and has categorically held that the objection in marking of the documents would be considered at the time of marking the same, there is no basis for the apprehension of the petitioners. The trial court has categorically held that the documents are received subject to proof and

relevancy and the same could be decided at the time of argument and marking of the documents.

11. In view of the aforesaid reasoning given by the trial court, I am not inclined to interfere with the said order.

12. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

05.10.2015

Note :
Issue order copy on 06.10.2015
tsi

To

District Munsif-cum-Judicial Magistrate, Thirukalukundram.

D.HARIPARANTHAMAN, J.

tsi

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