



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17/3/2015

C O R A M

WEB COPY

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD (MD) No.479 of 2015

Latha ... Petitioner/Plaintiff

Vs

K. Ramesh (died)

1. P. Selvaraj

2. K. Padmavathi ... Respondents/2nd & 3rd Defendant

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 23/1/2015 made in O.S.No.1907 of 2006 on the file of the Second Additional District Munsif, Trichy.

For petitioner

... Mr.K.Prabhakar
for Ms.U.Nirmalarani

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O R D E R

The plaintiff is the petitioner, who has filed the revision against the order refusing to permit the photograph to be marked in evidence.

2. The said photograph was shown to the second defendant during his cross-examination wherein it was admitted by the second defendant that it was a photograph of his house. However, it was objected to by the learned counsel for the second defendant that the photographs cannot be marked in evidence. If the photograph has to be marked, it has to be marked through the photographer or whoever had taken the picture. When the witness had not taken the photographs, it cannot be marked through him and the same can be marked only through the person who took the photographs. The suit itself is only for declaration that the cancellation of a gift deed by the first defendant on 24/2/2003 is null and void.

3. The learned counsel is unable to tell the Court as to how the photograph would be relevant to decide the dispute between the parties regarding the cancellation of the sale deed. Merely because the photograph is admitted by the second defendant cannot be a reason for receiving the same in evidence.



4. The learned counsel appearing for the petitioner relied on AIR 2001 SC - 1158 (BIPIN SHANTILAL PANCHAL Vs.STATE OF GUJARAT AND ANOTHER), which has got no application for the case on hand.

5. In view of the above, there is no merit in this Civil Revision Petition and the same deserved to be dismissed.

6. In the result, this Civil Revision Petition is dismissed, confirming the order dated 23/1/2015 made in O.S.No.1907 of 2006 by the Second Additional District Munsif, Trichy. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

The Second Additional District Munsif, Trichy.

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai

mvs

RL/3 c- 13/4/2015

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