

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.2106 OF 2014
AND MP NO.1 OF 2014

P.A.Ganesan

... Petitioner

Versus

M.Neil Selvakumar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and docket order dated 08.04.2014 made in I.A.No.446 of 2014 against O.S.No.786 of 2009 on the file of the II Additional District Court, Tiruppur.

For Petitioner : Ms.P.T.Asha
for M/s.Sarvabhauman Associates

For Respondent : Mr.E.Om Prakash
for M/s.Ramalingam Associates

ORDER

The application filed by the petitioner under Section 45 of the Evidence Act was dismissed by the Trial Court on the ground that contemporaneous documents were not produced for comparison. The Trial Court observed that the application was filed with undue delay and

as such, the same is liable to be dismissed on the ground of delay and laches. The said order is under challenge in this Civil Revision Petition.

2. The learned counsel for the petitioner contended that the plaintiff's mother Mrs.Joy Metilda used to sign the Life Certificate before the Sub Treasury, Tiruppur and the same is available for the purpose of comparison.

3. The learned counsel for the respondent on the other hand submitted that the intention of the petitioner is only to drag on the matter.

4. The Trial Court dismissed the application filed by the petitioner in I.A.No.446 of 2014 on the ground of delay and laches. Now that the petitioner is prepared to produce the document, which is in the nature of Life Certificate signed before the Sub Treasury, Tiruppur, I consider it deem and fit to give one more opportunity to the petitioner.

5. The order dated 08.04.2014 is set aside for enabling the petitioner to produce the certified copy of the Life Certificate before the Trial Court.

6. The learned II Additional District Judge, Tiruppur, is directed to give three weeks time to the petitioner to produce the certified copy of the Life Certificate from the Sub Treasury, Tiruppur. In case, the same is produced, necessarily, the original should be summoned from the Sub Treasury, Tiruppur, for the purpose of comparison. In case, the petitioner fails to produce the document, within the time granted by this Court, the application in I.A.No.446 of 2014 will be closed and the matter will be decided on the basis of available materials.

7. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

22.11.2016

TK

To

The II Additional District Judge
Tiruppur.

K.K.SASIDHARAN, J.

TK

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