

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CIVIL REVISION PETITION (PD) NO.1680 OF 2015

N. Chandran

... Petitioner

Vs.

Mr. Munusamy

..Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the order passed in I.A.No.736 of 2015 in O.S.No.87 of 2013 on the file of VI Asst. City Civil Court, Chennai.

For Petitioner : Mr. R. Rajeshkumar

For Respondent : Mr. G. Saravanan

ORDER

The respondent filed an application in I.A.No.736 of 2015 to receive certain documents. Learned trial Judge allowed the application by order dated 26.3.2015 inspite of the objections raised by the petitioner with regard to the genuineness of those documents. Feeling aggrieved, the petitioner is before this Court.

2. Learned counsel for the petitioner contended that the respondent has not filed any application directing the petitioner to produce the original documents and as such, the learned trial Judge was not correct in permitting the respondent to mark the xerox copies. While examining PW1, the petitioner clearly stated that he is not admitting the genuineness to the document sought to be produced in I.A.No.736 of 2015. This aspect was not considered by the learned trial Judge and as such, the impugned order is liable to be set aside.

3. Learned counsel for the respondent, while justifying the order passed by the learned trial judge contended that even in the written statement filed during 2013, the respondent has taken up a contention that he used to repay the amount to the petitioner and original receipts used to be maintained by the petitioner. It was only the xerox copy of those receipts which were sought to be produced before the Court. According to the learned counsel, there was a contention in the written statement taken by the respondent that whenever the petitioner received money, receipts were issued and as such the trial judge was perfectly correct in permitting the respondent to produce the documents.

4. The petitioner filed the suit for recovery of money said to have been

given to the respondent. The suit was opposed by the respondent by filing written statement wherein a contention was taken with regard to discharge.

5. The Respondent filed an application in I.A.No.736 of 2015 for receipt of certain documents. The pass book, the receipts and the cheques were intended to be marked.

6. The learned trial judge having found that the respondent has already taken a contention with regard to discharge in written statement, allowed the application.

7. The petitioner is aggrieved primarily on the statement made in the impugned order that the documents could be received. The trial court has allowed the application in I.A.No.736 of 2015. The question of admissibility of the documents and its evidentiary value would be decided only during the course of trial. While sustaining the order passed by the learned trial judge, I make it clear that the question of admissibility and relevancy of the documents produced by the respondent along with the application No.736 of

K.K.SASIDHARAN.,J.

2015 shall be decided specifically by the learned trial Judge.

8. The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

17.10.2016

msr
Index:Yes/No
Internet:Yes/No

To

The VI Asst. City Civil Court, Chennai.

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