

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.1602 of 2016

&

C.M.P.No.8711 of 2016

Dhiwakar

... Petitioner

vs

New Generation Hi-Tech Educational Trust

Rep by its Founder & Author

R.Rajasegar

16, Nallandu Maistry Street

Karamanikuppam

Pondicherry

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order passed in I.A.No.1194/2014 in I.a.No.304 of 2014 is O.S.No.63 of 2014 dated 08.04.2016 on the file of Principal Sub Court, Puducherry.

For Petitioner : Mr.S.Saravanan

ORDER

This revision challenges the order of learned Principal Sub Judge, Puducherry passed in I.A.No.1194/2014 in I.A.No.304 of 2014 is O.S.No.63 of 2014 dated 08.04.2016.

The operative portion of the order under challenge reads as follows:

“6. This suit is of the year 2014 and now the case stands posted for trial. Now, it is premature to decide these issues, in any event, if this petition is not allowed at this stage, it will lead to a multiplicity of proceedings and the suit will come to a stand still. Where principles of natural justice are required to be complied with, non affording of an opportunity itself will cause prejudice. The respondent/plaintiff would not be prejudiced if this petition is allowed and also the respondent shall be given a reasonable opportunity to cross examine the witnesses on the documents mentioned in the petition. Moreover, the documents are nothing but Original Amendment Deed of New Generation Hii-Tech Educational Trust; Certified copy of the judgment and Decree in O.S.No.1889/2012 dated 30.01.2014; and the Auditors report on several dates. Hence, in the interest of justice, this petition is liable to be allowed. Thus, this point is answered accordingly. “

It is the contention of the learned counsel for petitioner that excepting the first two documents others are only photocopies and not the originals.

3. This court would dispose of this revision, with an observation that it is not necessary to set aside the order under challenge and the documents sought

to be marked by the petitioner may be marked subject to admissibility, relevance and proof, and it would be open to the petitioner to raise contentions there regards before the Court below at the stage of arguments.

No costs. Connected miscellaneous petition is closed.

07.06.2016.

Index:yes/no

Internet:yes

To

The Principal Sub Judge, Puducherry.

C.T.SELVAM, J

kpr

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