

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) Nos.2982 & 3019 of 2016 and

CMP.Nos.15076 & 15254 of 2016

1.J.E.Benny Prabhu

2.Thambi James

...Petitioners

versus

1.P.T.Paramasivam

2.Chandra

...Respondents

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order dated 11.02.2016 passed in I.A.Nos.739 & 740 of 2015 in O.S.No.79 of 2013 on the file of the learned Subordinate Judge, Ponneri.

For Petitioners : Mr.G.Saravanakumar
(in both CRPs)

For Respondents : Mr.M.Vivekanandan
(in both CRPs)

COMMON ORDER

The respondents have filed two Interlocutory Applications before the learned trial Judge, in I.A.Nos.739 and 740 of 2015 in O.S.No.79 of 2013, to file additional written statement and to produce the documents, after condoning the delay. The trial Judge allowed those two Interlocutory Applications. Feeling aggrieved, the unsuccessful, respondents in I.A.Nos.739 & 740 of 2015, are before this Court.

2.Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the respondents.

3.The petitioners initially instituted a Suit for permanent injunction. After filing written statement, the respondents filed two Applications, for filing additional written statement and to produce the documents, after condoning the delay. The petitioners' have taken a contention that the documents produced by the respondents herein in I.A.No.740 of 2015, were all fabricated.

4.The question of admissibility and evidentiary value of the documents could be considered only during the course of trial. There is

no question of dismissing the Applications to receive the documents on the ground that it has no evidentiary value. The learned trial Judge having found that the petitioners have given sufficient reasons for filing the additional written statement and non-production of the documents earlier, rightly allowed the Applications. I do not find any error or illegality in those two orders warranting interference, by exercising the revisional jurisdiction under Article 227 of the Constitution of India.

5.The petitioners are given liberty to file an additional pleading in the form of a reply statement. The learned trial Judge is directed to record the objections of the petitioners while marking the documents mentioned in I.A.No.740 of 2015. In short, the admissibility and evidentiary value of documents, should be decided by the learned trial Judge during the course of trial.

7.The Civil Revision Petitions are disposed of with the above observation. No costs. Consequently, connected miscellaneous petitions are closed.

17.10.2016

Index:Yes/No
rpa

K.K.SASIDHARAN, J.

(rpa)

To

The learned Subordinate Judge, Ponneri.

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3019 of 2016**

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