

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

CRP (PD) NO.3428 OF 2016
AND CMP NO.17416 OF 2016

Ayyasamy Udaiyar ... Petitioner

Versus

Ayyasamy ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order of the learned District Munsif cum Judicial Magistrate, Tittagudi, passed in I.A.No.383/2015 in O.S.No.267/2004 dated 27.06.2016.

For Petitioner : Mr.J.Antony Jesus

ORDER

The respondent filed a suit for declaration and recovery of possession. The suit was contested by the petitioner by filing written statement. The petitioner on completion of the trial, filed an application in I.A.No.383 of 2015 to impound the document dated 25.03.1983

produced by him and send the same to the District Collector to fix the stamp duty, penalty and other charges, so as to enable him to use the document in evidence. The application was dismissed by the Trial Court. The said order is under challenge in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner.

3. The learned Trial Judge found that there was cross examination with respect to the document in question. According to the learned Trial Judge, the suit being one for declaration, it is for the respondent herein to plead and prove that he is entitled for the decree as prayed for. There is no question of permitting the petitioner to make a request for impounding the document after completion of the trial. I am therefore of the view that the learned Judge was perfectly correct in dismissing the application. I do not find any error or illegality in the order passed by the learned Trial Judge warranting exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

4. In the upshot, I dismiss the Civil Revision Petition. No

costs. Consequently, connected civil miscellaneous petition is closed.

08.11.2016

TK

To

The District Munsif cum Judicial Magistrate
Thittagudi.

K.K.SASIDHARAN, J.

TK

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