

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2016

Coram

The Honourable MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.PD.No.3681 of 2016

and

C.M.P.No.18685 of 2016

1. M.Vengatesh

2. Poornimadevi

... Petitioners

vs.

Canara Bank

Represented by its Chief/Senior Manager

Pollachi Branch

Zamin Uthukuli

Pollachi Taluk

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 26.04.2016 made in I.A.No.610 of 2015 in O.S.No.195 of 2012 on the file of the Subordinate Court, Pollachi.

For Petitioner : Mr.S.Sithirai Anandam

ORDER

The defendants 2 and 3 have filed the Application in I.A.No.610 of 2015 to cancel the marking of the documents Exhibits A4 to A8 and A.16.

2. The suit is filed for recovery of money by the Bank. It is now stated by the petitioner that the said documents cannot be marked in evidence. It is also stated that the petitioner herein had filed I.A.No.495 of 2014 for rejecting Ex.A.16-Statement of Accounts. However, the said application was dismissed for default and even after restoration of the same, again it was dismissed for default. According to the petitioner, Exs.A4 to A8 and A16 are the documents, which have nothing to do with the suit claim. Hence, they should not have been allowed to be marked and sought for rejection of the same. The said application in I.A.No.610 of 2015 was dismissed after contest, against which, the present revision has been preferred.

3. When the documents were marked during evidence, it is open to the revision petitioner to object to the admissibility, proof and relevancy of the same. Having allowed the documents marked without any objections, the present application filed by them, is not maintainable. The documents now having been received in evidence, it is open to the petitioners to agitate the veracity of the same at the time of arguments.

4. As there are no merits, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

srn

15.12.2016

Index :Yes

Internet:Yes

To

The Subordinate Court,

Pollachi.

PUSHPA SATHYANARAYANA.J

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