



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.04.2016

CORAM

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P. (MD) .No.126 of 2016 (PD)

and

C.M.P. (MD) .No.569 of 2016

1.The Regional Manager,
Regional Office,
The Lakshmi Villas Bank Ltd.,
No.97, Place Road, 1st Floor,
Madurai-625 001.

2.The Authorised Officer,
The Lakshmi Villas Bank Ltd.,
Tirunelveli Branch,
Tirunelveli.

... Petitioners/Petitioners/
Defendants 2 & 3

Vs.

1.Arulmigu Soundaiamman Thirukoil
Arachipatti Street, Srivilliputtur,
Represented by its Trustees S.Murugesan
S/o.Subramanian Chettiar,
Door No.10, Koonankulam West Side North Street,
Srivilliputtur.

2.S.Murugesan
3.Gopalraja

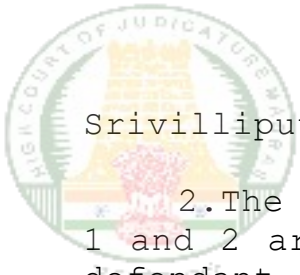
... Respondents/Respondents/
Plaintiffs 1 & 2

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 26.11.2015 passed in I.A.No.305 of 2015 in O.S.No.111 of 2006 by the Principal District Court, Virudhunagar District at Srivilliputtur.

For Petitioners : Mr.A.Sivaji
For R1 and R2 : Mr.T.S.R.Venkataramana
(Caveator)

ORDER

<https://hcservices.courts.gov.in/hcservices/> Civil revision petition has been filed to set aside the order dated 26.11.2015 passed in I.A.No.305 of 2015 in O.S.No.111 of 2006 by the Principal District Court, Virudhunagar District at



Srivilliputtur.

2.The petitioners are the defendants 2 and 3, the respondents 1 and 2 are the plaintiffs and the third respondent is the first defendant in the suit in O.S.No.111 of 2006. The respondents 1 and 2 filed suit for declaration to declare that document 1.1906.79 to 84 registered as document No.494/1996 in the office of Sub Registrar, Srivilliputtur as null and void and for possession of the suit property. Subsequent to the filing of the suit, the petitioners 1 and 2 were impleaded as defendants 2 and 3 in the suit. At the time of trial, the petitioners filed I.A.No.305 of 2015 to call for the documents mentioned in the I.A from the Debt Recovery Tribunal.

3.According to the petitioners, the said documents are necessary to prove their case. The respondents 1 and 2 filed counter and opposed the said application. The learned Judge dismissed the said application. Against the said order of dismissal, the present Civil Revision Petition is filed.

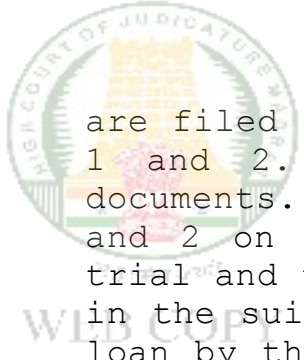
4.The learned counsel for the petitioners contended that the learned Judge erred in dismissing the applications based on the contention of the respondents 1 and 2 that the xerox copies of the documents if certified as true copies by the learned counsel for the petitioners, can be marked. Such a statement is made only with regard to the bank documents. The learned Judge failed to see that for other documents, no such admission was made. The learned Judge failed to see that calling for the said documents from the Court, would save time instead of applying certified copies and marking the same. The learned Judge erred in dismissing the application on the ground that the trial would be delayed, if the application is allowed and the documents are sent from Debt Recovery Tribunal.

5.The learned counsel for the respondents 1 and 2 submitted that the documents called for by the petitioners are not relevant for deciding the issue in the suit. The learned counsel for the respondents 1 and 2 submitted that the respondents 1 and 2 are not denying the loan sanctioned by the petitioners 1 and 2 and proceedings initiated by the petitioners before the Debt Recovery Tribunal against the third respondent. In the circumstances, the documents called for, is not necessary to decide the issue in the suit. The respondents 1 and 2 will have no objection for marking the documents, if the xerox copies of the documents certified as true copies by the learned counsel for the petitioners is filed.

6.I have heard Mr.A.Sivaji, learned counsel appearing for the petitioners and Mr.T.S.R.Venkataramana, learned counsel appearing for the respondents 1 and 2 and carefully perused the entire

<https://hccrcourt19.gov.in/home> record.

7.From the materials on record, it is seen that the documents



are filed in Debt Recovery Tribunal proceedings by the petitioners 1 and 2. They filed in application to call for the said documents. The said application is opposed by the respondents 1 and 2 on the ground that it will cause delay in conclusion of trial and those documents are not necessary for deciding the issue in the suit. The respondents 1 and 2 admitted the sanction of the loan by the petitioners 1 and 2. The learned Judge also took note of the fact that the respondents 1 and 2 have no objection for marking of copies of the documents certified as true copies by the learned counsel for the petitioners 1 and 2. In the circumstances, the learned Judge accepted the contention of the respondents 1 and 2 and dismissed the application holding that if the Court feels necessary only original documents are to be marked, then such documents alone can be called for. There is no infirmity or illegality in the said order.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed. It is open to the petitioners to apply for certified copies of the documents and mark the same, if necessity arises.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Principal District Judge,
Virudhunagar District,
Srivilliputtur.

+ 1 CC TO MR.A.SIVAJI, ADVOCATE IN SR NO. 20841
+ 1 CC TO MR.T.S.R.VENKAT RAMANA, ADVOCATE IN SR NO. 20677

NS
TE/SKS-RR/ : 02/05/2016 : 3P/4C

C.R.P. (MD) .No.126 of 2016 (PD)
and
C.M.P. (MD) .No.569 of 2016
13.04.2016