

**HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN**

**CIVIL REVISION PETITION No. 3193 of 2016**

**ORDER:**

The petitioner has come up with the above revision, challenging a long endorsement postponing the decision in an application under Order 41 Rule 27 of the Civil Procedure Code along with the final hearing of the appeal.

2. Heard Mr. Sai Gangadhar Chamarthy, learned counsel for the petitioner.

3. In an appeal arising out of a suit for partition, the petitioner wanted to file certain additional documents under Order 41 Rule 27. Instead of just postponing the application in I.A.No.71 of 2016 filed under Order 41 Rule 27, the parties appear to have made elaborate submissions on the admissibility of the documents. But fortunately, the lower appellate Court, after considering in detail the scope of Order 41 Rule 27, postponed the hearing of the application along with the appeal.

4. I think, the procedure adopted by the lower appellate Court is the correct procedure to be

adopted. The learned counsel for the petitioner relied upon a judgment of the Supreme Court in **A.**

***Andisamy Chettiar Vs. A. Subburaj Chettiar***<sup>[1]</sup>.

But, the said decision concerns the scope of the revisional jurisdiction of the High Court against an order passed by the first appellate Court allowing an application for additional evidence. The said decision does not say, at what stage an application for adducing additional evidence should be heard.

5. Therefore, I find no reasons to interfere with the order of the lower appellate Court. Hence, the Civil Revision Petition is dismissed.

Consequently, miscellaneous petitions if any pending in the revision shall stand dismissed. There shall be no order as to costs.

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**V. RAMASUBRAMANIAN, J**

1<sup>st</sup> July, 2016

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[\[1\]](#) AIR 2016 Supreme Court 79