

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-11-2017

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

**C.R.P. PD No.1719 of 2014
and M.P.No.1 of 2014**

M.Subramani ... Petitioners

Vs

J.Venkatesan ... Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order of the learned I Additional Subordinate Judge, Cuddalore in I.A.No.19 of 2014 in O.S.No.107 of 2011 by order dated 11.02.2014.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.P.Mani

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 11.02.2014 made in I.A.No.19 of 2014 in O.S.No.107 of 2011 by the learned I Additional Subordinate Judge, Cuddalore.

2. The petitioner is the defendant and the respondent is the plaintiff in the suit in O.S.No.107 of 2011 on the file of Sub Judge, Cuddalore. The respondent filed the above suit against the petitioner for recovery of money. The petitioner filed written statement on 22.12.2011 and is contesting the suit. The petitioner filed I.A.No.19 of 2014 under Order VIII Rule 3 CPC to condone the delay in filing the documents mentioned in the petition. According to the petitioner, the documents mentioned in the petition are necessary to decide the issue and the said documents obtained only at the time of filing of the present application.

3. The respondent filed counter and opposed the said application. According to the respondent, the documents are only xerox copies and they are not relevant to decide the issue in the present suit and prayed for dismissal of the application.

4. The learned Judge, considering the averments in the affidavit and counter affidavit, partly allowed the application with regard to marking of the document No.1 and dismissed the application with regard to marking of document Nos.2 to 6 as they are not relevant.

5. Against the said order dated 11.02.2014 made in I.A.No.19 of 2014 in O.S.No.107 of 2011, the present Civil Revision Petition is filed by the petitioner.

6. The learned counsel for the petitioner submitted that the learned Judge erred in dismissing the application with regard to marking of document Nos.2 to 6. The admissibility and relevancy of the document can be decided only at the time of marking the document. The documents are certified copies of public document. The documents now sought to be marked are already pleaded in the written statement and are necessary to prove his case.

7. Per contra, the learned counsel appearing for the respondent contended that the documents rejected by the learned Judge are not relevant to decide the issue in the suit. The petitioner has filed application only to drag on the proceedings and those documents sought to be marked are created to defraud the claim of the respondent.

8. Heard the learned counsel for the petitioner as well as respondent and perused the materials available on record.

9. From the materials available on record and the list of documents furnished by the petitioner, it is seen that the document nos.2 to 6 are relating to the suit in O.S.No.47 of 2011 filed by the respondent for recovery of money from the third party to the present suit. The respondent filed the present suit for recovery of money from the petitioner. According to the respondent, the petitioner has accepted his signature in the promissory note. The petitioner has not stated in the affidavit as to how document nos.2 to 6 are relevant to prove his case in the present suit, for the relief of recovery of money.

10. The learned Judge, considering the materials and appreciating the above facts, allowed the application only with regard to marking of document no.1, i.e. certified copy of the order in Crl.OP No.3186 of 2013 and rejected document nos.2 to 6 sought to be marked by the petitioner. Hence, I do not find any illegality or irregularity in the order passed by the Trial Court warranting interference by this court.

11. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. Since the suit is of the year 2011, the learned Judge is directed to dispose of the suit, as expeditiously as possible, in any event, not later than three months from the date of receipt of a copy of this order.

24.11.2017

Speaking/Non-speaking order

Index : Yes/No

rgr

To

The I Additional Subordinate Judge,
Cuddalore.

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V.M.VELUMANI, J.

rgr



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