

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(PD) NO.2822 OF 2017
AND CMP NO.13330 OF 2017

Seetha

... Petitioner

Vs.

1.Kaliyaperumal
2.Ponnambalam
3.Narayanan
4.Sivakumar
5.Ravichandran

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 10.02.2017 passed in I.A.No.800 of 2016 in O.S.No.66 of 2007 on the file of the Sub Court, Panruti.

For Petitioner : Mr.P.Mani

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ORDER

This Civil Revision Petition is filed against the order condoning the delay in receiving document on the side of the defendants under Order VIII Rule 3 of the Civil Procedure Code.

2. The document which is sought to be received is a registered sale deed dated 31.10.1977. The suit is filed for declaration and possession. The plaintiff/petitioner herself relied on the said document which is sought to be filed by the defendants. However, she has objected to receiving the xerox copy of the will. Whereas, the document which is sought to be marked is the original registered sale deed dated 31.10.1977, which is a document listed in the plaint also. The Trial Court has held that the proof and relevancy of the document can be decided at the time of marking the same. It is always open to the petitioner to object to the marking of the document, on the basis of its proof and relevancy. Therefore, the order of the Trial Court permitting the respondents to file the document, subject to proof and relevancy, cannot be found fault with and the petitioner will not be prejudiced, by receiving the document. It is

always open to the petitioner to object the marking of the document, on the grounds of proof and relevancy. Therefore, the Civil Revision Petition merits no consideration.

3. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

16.08.2017

Index : Yes/No
Internet : Yes/No
TK

To

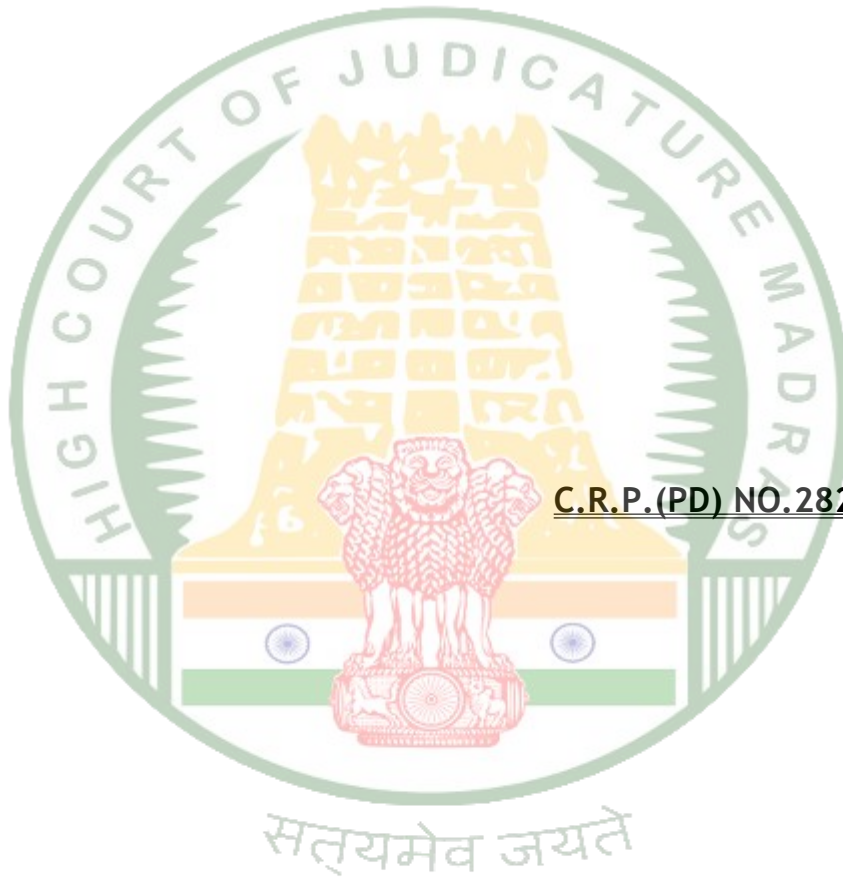
The Sub Court
Panruti.



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M.GOVINDARAJ, J.

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