

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) NO.3085 OF 2017  
AND CMP NO.14443 OF 2017

A.Venkatesan

... Petitioner

Vs.

P.Zarina

... Respondent

**PRAYER:** Civil Revision Petitions filed under Section 115 of the Civil Procedure Code against the order and decretal order made in I.A.No.6401 of 2016 in O.S.No.6230 of 2003 on the file of the XVI Assistant Judge, City Civil Court, Chennai, dated 19.09.2016.

For Petitioner : Mr.A.Venkatesan  
Petitioner - in - person

**ORDER**

This Civil Revision Petition is directed against the dismissal of the petition filed under Order XIII Rule 3 of the Civil Procedure Code to reject the document marked during trial of the suit as irrelevant and

inadmissible.

2. The admitted case is that O.S.No.6230 of 2003 was decreed on 26.03.2008. Against which, an appeal was filed in A.S.No.305 of 2010 and the same was dismissed on 22.03.2011 and the second appeal filed was also dismissed. After the conclusion of all these proceedings, the petitioner had come with the above interlocutory application to call for document Ex.A6 - sale deed, to reject the same as irrelevant and inadmissible. The said application was dismissed by the Court below, as the Court has become *functus officio* and the petitioner has no right to re-agitate the same, as the order of the Trial Court has been confirmed by the Appellate court.

3. The revision petitioner wants to re-agitate many documents, which were marked during trial. Order XIII Rule 3 of the Civil Procedure Code clearly specifies the power of the Court to reject the document during the pendency of the suit. Whereas, the suit has already been decreed and it was confirmed by an order in appeal also. At this stage, the Trial Court cannot call for the document, to reject the same as irrelevant and inadmissible in law. The order passed by the Trial Court is

very much legal and does not require any interference.

4. Accordingly, the order dated 19.09.2016 passed in I.A.No.6401 of 2016 in O.S.No.6230 of 2003 by the learned XVI Assistant Judge, City Civil Court, Chennai, is confirmed and the Civil Revision Petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

28.08.2017

Index : Yes/No  
Internet : Yes/No  
TK

To

The XVI Assistant Judge  
City Civil Court  
Chennai.



WEB COPY

M.GOVINDARAJ, J.

TK



C.R.P.(NPD) NO.3085 OF 2017

WEB COPY

28.08.2017