

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P.(PD).No.4238 of 2017

and

C.M.P.No.19876 of 2017

R.S.Balakrishnan

.. Petitioner

Vs.

A.Mubarak Ali

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against Fair and Decreetal Order dated 01.08.2017 in I.A.No.4558 of 2017 in I.A.No.952 of 2017 in O.S.No.6149 of 2016 on the file of the I Assistant City Civil Court, Madras.

For Petitioner : Mrs.V.Srimathi

ORDER

The respondent herein has filed a suit in O.S.No.6149 of 2016 for permanent injunction against the petitioner. In the aforesaid suit,

the respondent herein filed I.A. No.4558 of 2017 under Order VII Rule 14(2) C.P.C. to receive additional documents. The revision petitioner has objected the said application. After considering the submission made by the parties, the application was allowed by the Court below. Challenging the aforesaid order, the revision petition has been filed before this Court.

2. The learned counsel for the petitioner would submit that the trial Court by allowing the application, has passed an erroneous order without recording a proper reason even the suit itself is vexatious one seeking order of permanent injunction. The present application has been filed to receive the additional documents, is liable to be dismissed. But, the Court below erroneously allowed the said application. Therefore, the order passed by the Court below is liable to be set aside.

3. The Court below considering the facts and circumstances of the case found that the document sought to be received by the Court below are not vital and if they are received, no prejudice would be caused to the other side and hence allowed the application.

4. Accordingly, this revision fails and the same is dismissed.

No order as to costs. At this stage, the learned counsel for the petitioner requests to dispose of the suit at the earliest. By considering the same, this Court is inclined to direct the trial court to dispose of the case as expeditiously as possible.

21.11.2017

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

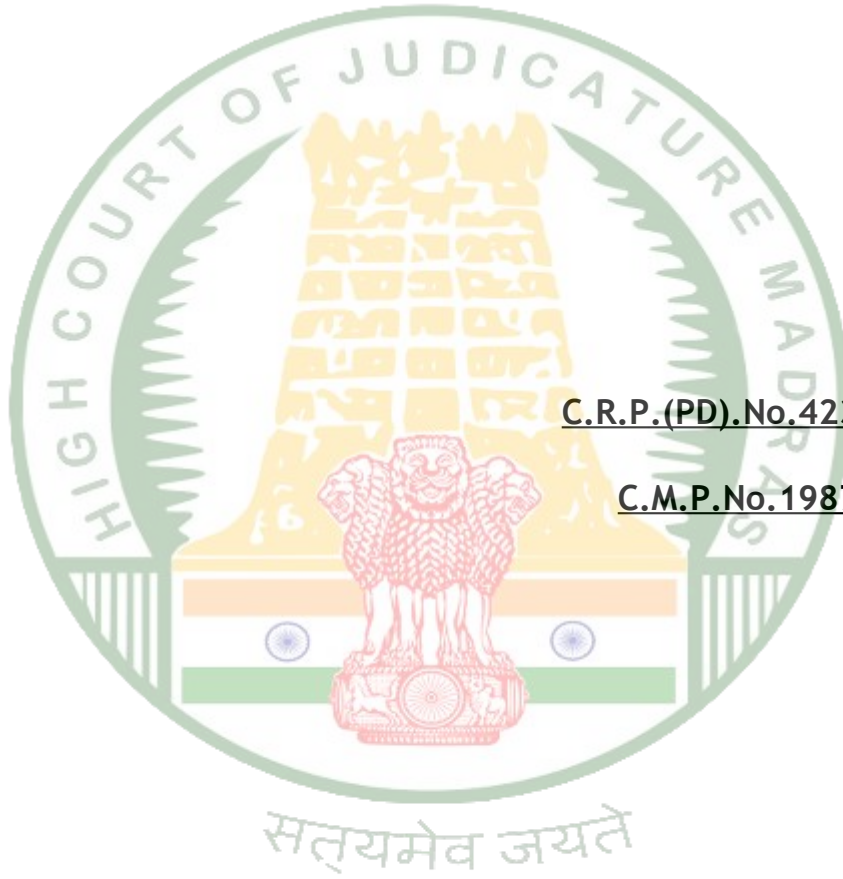
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To

The I Assistant City Civil Court, Madras.

D. KRISHNAKUMAR, J.,

lbm/ssn



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