

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P.(PD).No.512 of 2017
and
C.M.P.No.2552 of 2017

P.Viswanathan

.. Petitioner

Vs.

Dharmalingam

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against fair and decretal order dated 23.12.2016 passed in I.A.No.178 of 2016 in O.S.No.199 of 2012 on the file of the II Additional District Munsif Court, Salem.

For petitioner : Mr.B.Vijayakumar

For respondent : Mr.P.Jagadeesan

ORDER

The defendant has filed I.A.No.178 of 2016 in O.S.No.199 of 2012 to condone the delay in marking the documents and mark the documents as exhibits. The said application was dismissed for the reason that earlier, this Court has directed early disposal of the suit within four months. Learned

counsel appearing for the respondent/caveator opposes marking of the documents, contending that they are irrelevant, as the purpose for which the documents are sought to be marked itself is lost, as the attesting witness itself is no more. Nevertheless, the documents can be received in evidence, subject to proof and relevancy. It is open for the respondent/caveator to raise his objection with respect to each of the document and its relevancy, at the time of marking, and the same may be recorded by the learned trial Judge, which can be considered later at the time of arguments. Accordingly, the impugned order of the trial Court is set aside and the delay in filing the documents, is condoned and the documents are directed to be received in evidence, subject to the above observations. With this direction, the Civil Revision Petition is disposed of. No costs. C.M.P. is closed.

17.02.2017

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Copy to

The II Additional District Munsif, Salem.

PUSHPA SATHYANARAYANA, J

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