

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Review Application No.208 of 2011
and M.P.Nos.1 & 2 of 2011
in
C.R.P.(PD)No.1148 of 2011

S.Asokan

.. Petitioner

Vs.

1.Bharathi
2.Jayanthi
3.Usha

.. Respondents

PRAYER: Review Application filed under Order 47 Rule 3 Read with Section 114 of CPC, to set aside the order dated 29.10.2011 made in C.R.P.(PD)No.1148 of 2011.

For Petitioner : M/S.Vasudha Thiagarajan

For Respondents : Mr.Srinath Sridevan

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ORDER

The review application is filed to set aside the order dated 29.10.2011 made in C.R.P.(PD)No.1148 of 2011.

2. Heard both sides and perused the materials available on record.

3. According to the petitioner, the first respondent filed I.A.No.256 of 2011 in O.S.No.28 of 2007 to receive the documents. The petitioner opposed the said application on the ground that the first respondent was set exparte and without getting an order setting aside the exparte order passed, first respondent is not entitled to file an application to receive the documents. The learned Judge considering the fact that the petitioner has filed O.S.No.89 of 2008 on the file of the Subordinate Court, Poonamallee, for declaration and possession, the first respondent has adopted the written statement filed by the second respondent and in view of the joint trial ordered in O.S.Nos.28 of 2007 and 89 of 2008, allowed the application and held that the first respondent is entitled to give evidence.

4. Against the said order dated 14.03.2011 made in I.A.No.256 of 2011 in O.S.No.28 of 2007 on the file of the Subordinate Court, Poonamallee, the petitioner filed

C.R.P.(PD)No.1148 of 2011 before this Court. This Court by order dated 29.10.2011 dismissed the C.R.P. holding that there is no reason to interfere with the order of the learned trial Judge.

5. The petitioner has come out with the present review application to reconsider the order dated 29.10.2011 made in C.R.P.(PD)No.1148 of 2011 on the ground that this Court committed an error in not considering the fact that the first respondent was set exparte and without setting aside the exparte order, she cannot be given permission to file any document and cannot give any evidence. The said contention is devoid of merits. A joint trial in O.S.No.28 of 2007 filed by the second respondent against the petitioner and other respondents and O.S.No.89 of 2008 filed by the petitioner against the respondents is ordered. In O.S.No.89 of 2008, the first respondent is entitled to file document and give evidence. Further, the petitioner can raise objections with regard to the admissibility of the document at the time of marking the document. In the circumstances, there is no error in the order passed by this Court and it does not warrant any interference to reconsider the same.

V.M.VELUMANI, J.

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6. In the result, the Review Application is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

29.08.2017

Index : Yes/No

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