



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) No.72 of 2017 (PD)
and
C.R.P (MD) No.274 of 2017 (PD)

A.Chandra

.. Petitioner/ Petitioner/ Defendant

Vs.

1.A.Sihamani
2.V.Kalaiselvan
3.V.Malairaj
4.V.Bose
5.V.Singaraj

..Respondents/Respondents/Plaintiffs

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the executable and fair order, dated 10.11.2016 in I.A. No.520 of 2016 in O.S. No.227 of 2009 on the file of the District Munsif, Madurai Taluk.

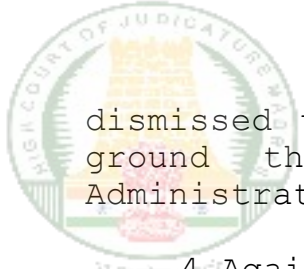
For Petitioner : Mr. V.Ramakrishnan

ORDER

The petitioner has filed this Civil Revision Petition to set aside the executable and fair order dated 10.11.2016 in I.A. No.520 of 2016 in O.S. No.227 of 2009 passed by the District Munsif, Madurai Taluk.

2.The petitioner is the defendant. The respondents are the plaintiffs. The respondents filed suit in O.S.No.227 of 2009 before the District Munsif, Madurai Taluk for declaration and injunction. The petitioner filed I.A.No.520 of 2016 for permission to file documents and marking the documents under Order 8 Rule 1(A) of Civil Procedure Code. According to the petitioner, those documents were traced only now and therefore, could not be filed on earlier occasion along with written statement. The respondents filed counter and did not object to the documents 1 to 4 and 29 to 34 and opposed for other documents on the ground that those documents are created for the purpose of suit.

3.The learned Judge considering the averments made in the affidavit and counter affidavit and considering the judgment relied on by the learned counsel for the petitioner, allowed the application in respect of documents 1 to 18 and 29 to 34 and



dismissed the application in respect of documents 19 to 28 on the ground that the said documents obtained from the Village Administrative Officer, are not acceptable.

4. Against the said order of dismissal in respect of documents 19 to 28, the petitioner has come out with the present Civil Revision Petition.

5. The learned counsel for the petitioner submitted that the learned Judge failed to see that the reason given in the affidavit for delay in filing the documents alone is criteria for deciding the application. On the other hand, the learned Judge has considered the contents of the document and held that those documents are not admissible.

6. I have heard the learned counsel appearing for the petitioner and also perused the entire materials on record.

7. The petitioner has filed application for permission to mark the documents 1 to 34 and the learned Judge not only considered the reason given in the application for the delay in filing the documents but also the fact that Village Administrative Officer, who had issued the documents, was already examined as P.W.2, by the respondent, and has given reason for dismissing the application with regard to documents 19 to 28. The learned Judge considering the entire materials on record and the judgment relied on by the learned counsel for the petitioner, has rejected the application with regard to documents 19 to 28. The learned Judge has rightly rejected the application by giving cogent and valid reason and there is no illegality or irregularity warranting interference by this Court.

8. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (Writ)

/True Copy/

Sub Assistant Registrar

To

The District Munsif, Madurai Taluk.

+ 1 CC TO Mr.V.RAMAKRISHNAN, ADVOCATE IN SR No. 2406

AM

TE/MR-VB : 02/02/2017 : 2P/3C