



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2017

CORAM :

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P. (MD) .No.760 of 2017

and

C.M.P. (MD) No.3465 of 2017

Shirley

... Petitioner/Petitioner/
4th Defendant

Vs.

Vallinayagam@ Ravi

... Respondent/Respondent/
Plaintiff

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set-aside the order and decretal order dated 10.03.2017 passed in I.A.No.20 of 2017 in O.S.No.64 of 2002 on the file of the Principal Sub-Court, Nagercoil by allowing this Civil Revision Petition and thus render justice.

For Petitioner : Mr.V.Meenakshisundaram
for M/s.R.Murugan

For Respondent : Mr. D.Saravanan
For caveator

ORDER

This Civil Revision Petition has been filed seeking to set-aside the order and decretal order dated 10.03.2017 passed in I.A.No.20 of 2017 in O.S.No.64 of 2002 on the file of the Principal Sub-Court, Nagercoil by allowing this Civil Revision Petition and thus render justice.

2. The written statement sought to be filed by the legal heirs of the deceased first defendant has been objected to by the plaintiff on the ground that it is a belated request, that too after the matter been restored to file at the intervention of the Supreme Court in the SLP Civil Appeal Nos.5664,5665 of 2016.

3. The learned counsel for the revision petitioner submits that except stating the fact that First Information Report No.1074/2003, which was mentioned in the earlier written statement, the revision petitioner has culminated in filing of the final report and Trial Court has taken on file the final report and the same was assigned C.C.No.26 of 2005, no other new facts have been pleaded, in the



additional written statement. The main object of the revision petitioner is to place on record about the culmination First Information Report into final report. If his apprehension is alleviated by this court, there may not be further grievance to the revision petitioner.

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4. The Learned counsel appearing for the respondent submits that whether the First Information Report has culminated in the final report or not within the exclusive knowledge of the revision petitioner. When the respondent is aware of the fact that the final report has now been taken on file by the Trial Court and the same was assigned under C.C.No.26 of 2005, the court can very well take judicial notice of the facts, if relevant records are produced by the parties. Therefore, there is no merit in the revision petition, except to observe that in the dismissal of the revision petition rejecting of the request made in the additional written statement shall not stand in the way of the petitioner from placing on record about the facts relating to First Information Report No.1074/2003, which has already been pleaded in the first written statement.

5. With this observation the Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Principal Subordinate Judge,
Nagercoil.

+ 1 CC TO Mr.R.MURUGAN, ADVOCATE IN SR No. 51388
+ 1 CC TO Mr.D.SARAVANAN, ADVOCATE IN SR No. 51329

SM/CP

TE/JC/SAR-II : 28/04/2017 : 2P/4C

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