

THE HON'BLE SRI JUSTICE M. S. K. JAISWAL

CRP.No. 2361 of 2017

ORDER:

This Revision Petition is directed against the order, dated 08.07.2015 in I.A.No.158 of 2015 in O.S.No.63 of 2007 on the file of the Senior Civil Judge, Rajam, by and under which the learned Judge has allowed the petition to receive certain documents filed by the plaintiff in the suit.

2. The learned counsel for the Revision Petitioner, who is the defendant in the suit, contends that the Court below ought not to have received the documents, which are created subsequent to the filing of the suit and cannot be admitted in evidence.

3. On the other hand, the learned counsel for respondent/ plaintiff submits that the Court has merely received the documents and taken on record, but they are yet to be marked, and when the time comes to mark them as exhibits during the course of trial, the other side can take objection, which the Court below can consider and dispose of the same. Hence, the revision is liable to be dismissed.

4. Heard the learned counsel appearing for both the parties and considered the material on record.

5. Admittedly, the suit is of the year 2007, and the documents in question are subsequent to filing of the suit. Therefore, the admissibility, authenticity and the relevancy of the said documents needs to be considered only by the Trial Court, when they are presented for marking as Exhibits during the course of recording evidence. Mere receiving the documents by allowing a petition does

not amount to that the said documents are taken on file as Exhibits and can be relied upon. The burden lies on the party, who produced and sought to be marked the documents as exhibits, to prove their relevancy to his claim.

6. With the above observation, the Civil Revision Petition is disposed of directing the Trial Court to admit the documents, subject their proof, relevancy and admissibility. There shall be no order as to costs. Consequently, the pending miscellaneous petitions, if any, shall stand closed.

Date: 19.06.2017
Kv

M.S.K. JAISWAL, J



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