

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.113 of 2018
and CMP.No.572 of 2018

Gopal

.. Petitioner

Vs

Premkumar

... Respondent

PRAYER

Civil Revision Petition is filed under Article 227 of the Constitution of India against the Fair and Decreetal order dated 06.12.2017 passed by the learned District Munsif, Coonoor in IA.No.433 of 2017 in OS.No.37 of 2015.

For Petitioner : Mr.A.Immanuel

ORDER

According to the revision petitioner, the revision petitioner has filed a suit in OS.No.37 of 2015. In the aforesaid suit, the revision petitioner has also filed an application in IA.No.433 of 2017 for the purpose of marking documents No.130 of 2003 dated 24.01.2003 and Document No.889 of 2005 through the respondent / defendant to prove that the respondent / defendant had conveyed the same. The

court below has considered the aforesaid application and observed that the present application has been filed at the stage of defendant side evidence. Therefore, the present application is not maintainable.

2. The learned counsel for the revision petitioner would submit that the revision petitioner seeks this Court to grant liberty to the revision petitioner to file an appropriate application before the court below to recall PW1 for the purpose of marking the documents only.

3. In view of the submissions made by the learned counsel for the revision petitioner, the application filed by the revision petitioner for marking documents through defendant cannot be sustainable in law. Therefore, the order of the court below is perfectly valid and there is no interference of this Court to modify or reverse the order passed in the aforesaid application. However, on the request of the learned counsel for the revision petitioner, it is open to the revision petitioner to file an appropriate application seeking for proper remedy before the court below, if it is permissible under law.

4. In the result, the Civil Revision Petition is dismissed with

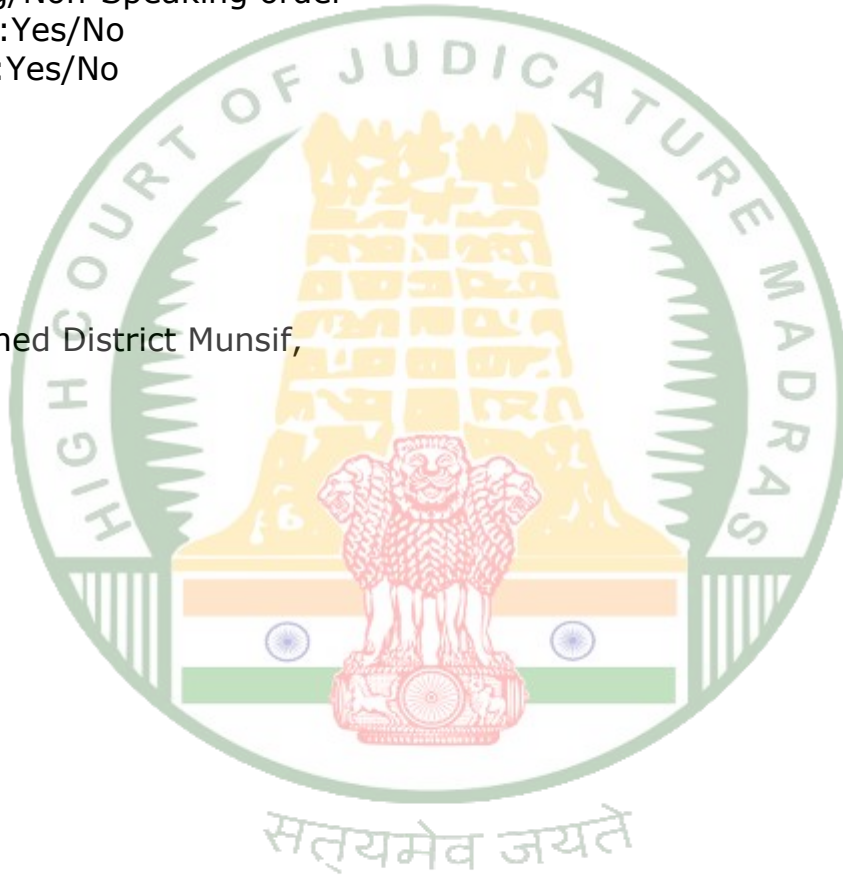
above observations. Consequently, the connected miscellaneous petition is closed. No costs.

22.01.2018

Speaking/Non-Speaking order
Index :Yes/No
Internet:Yes/No
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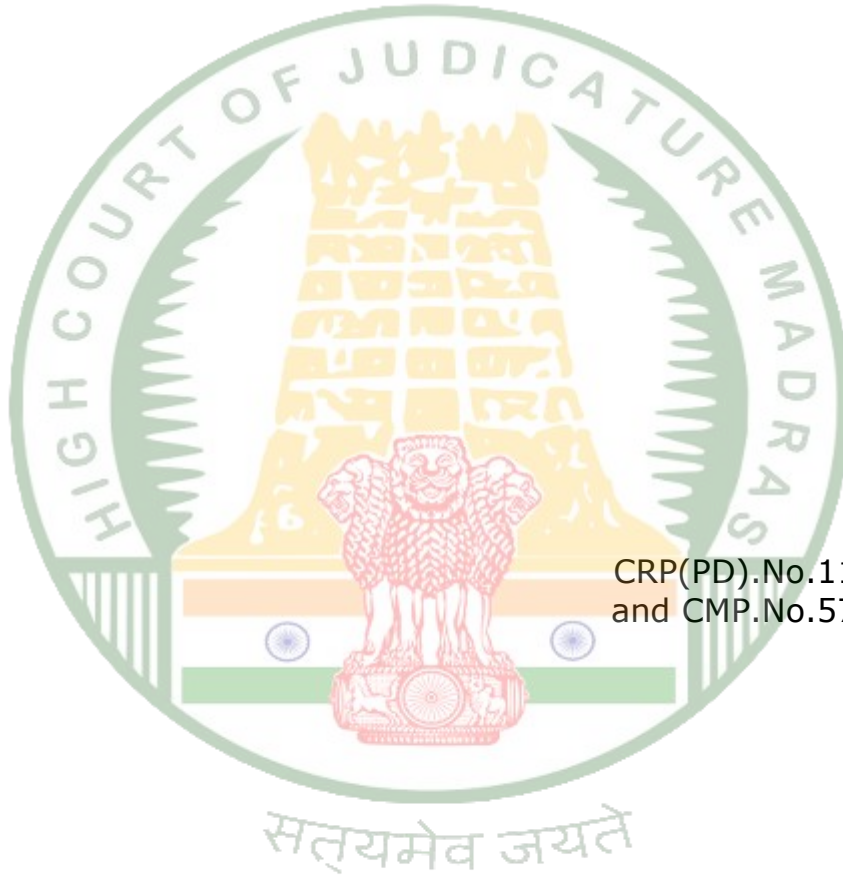
The learned District Munsif,
Coonoor



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D. KRISHNAKUMAR J.,

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