

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-03-2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

C.R.P.PD.No.1250 of 2018

and

C.M.P.No.6385 of 2018

1.J.Tamilselvi

2.Dr.S.Jayaprakash

...

Petitioners

Vs

Danie Solomon

...

Respondent

PRAYER : Civil Revision Petition filed to set aside the fair order and decree passed in I.A.No.1221 of 2017 in O.S.No.763 of 2015 dated 03.02.2018, on the file of the Principal District Munsif at Alandur.

For Appellants : Mr.J.Sudhakaran

For Respondent : Mr.N. Kumar Rajan

ORDER

The petitioners are the defendants, who have come before this Court challenging the order dated 03.02.2018 passed by the Principal District Munsif, Alandur, in an application filed by the respondent/plaintiff under Order VII, Rule 14(3) of CPC to receive the document Ex.A.29 and to mark the same.

2.Heard Mr.J.Sudhakaran, learned counsel appearing for the petitioners.

3.It is evident from the records that the suit has been filed by the respondent, seeking many mandatory injunctions against the petitioners. In the suit, written statement has been filed and the matter has been taken up for trial and Exs.A.1 to A.28 have been marked by PW1. At the stage, the respondent sought permission to file a letter, said to have been received from the bank to prove his case. Therefore, the application in I.A. No. 1221 of 2017 was taken out. The said application was opposed by the petitioners herein contending

that the author of the document is not the respondent, who seeks to mark the document.

4.However, the trial Court after considering the submissions made by both the parties and relying upon the judgment of the Hon'ble Supreme Court in Bipin Shantilal Panchal Vs. State of Gujarat, reported in 2001 (3) SCC 1, allowed the application, observing that the relevancy and veracity of the document need not be gone into at the stage of admission and the same could be canvassed during the arguments. Further, the trial Court rightly observed that the petitioners have an opportunity to question the document during cross examination and therefore, allowed the petition in I.A. No. 1221 of 2017. The order passed by the trial Court is as per law and the same cannot be interfered with.

5.Accordingly, the civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

6.Considering the fact that the suit has been filed during the year 2015, the trial Court is directed to dispose of the matter on or before 31.08.2018.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

sai

To

The Principal District Munsif,
Alandur.

+1 CC to Mr.I. Sudhakaran, Advocate sr 23814.

+1 CC to Mr.N. Kumarrajan, Advocate sr 23698.

WEB COPY

C.R.P.No.1250 of 2018

SS(CO)
SP(25/04/2018)