

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No.14 of 2018
and
CMP. No.48 of 2018

J.R. Chandran

... Petitioner

Vs

P.Annatharaman

.. Respondent

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 29.11.2017 passed in M.P. No.427 of 2017 in R.C.O.P. No.543 of 2014 by the XIII Judge, Small Causes Court, Chennai.

For Petitioner : Mr.R.Sankarappan

For Respondent : Mr.M.Vijayakumar

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ORDER

This Civil Revision Petition is filed against the dismissal order dated 29.11.2017 passed by the learned XIII Judge, Small Causes Court,

Chennai made in M.P. No.428 of 2017 in R.C.O.P. No.548 of 2014.

2. The learned counsel for the petitioner would submit the respondent herein has filed RCOP. No.543 of 2014 before the Court below for eviction. In the aforesaid proceedings, the respondent/petitioner's side evidence concluded and posted for the revision petitioner/respondent's side evidence. At this stage, the petitioner has filed the present application in M.P. No.427 of 2017 to summon the Superintendent, Copyist Departments, City Civil Court, Chennai and mark the certified copy of the order in R.C.A. No.608 of 2012 as an Exhibit. The said application erroneously dismissed by the trial Court. Therefore, the present Civil Revision Petition has been filed by the petitioner before this Court.

3. According to the learned counsel for the petitioner, the revision petitioner has obtained the certified copy of the order in R.C.A. No.608 of 2012. Therefore, the petitioner in the present Application filed seeking with a prayer to issue summons to the Superintendent, Copyist Department and to mark the said certified copy before the Court below.

Without appreciating the petitioner's contention, the Court below has erroneously dismissed the said Application.

4.Mr.M.Vijayakumar, learned counsel for the respondent appeared and undertaks to file vakalat for the respondent and submit that the revision petitioner has filed the present petition to drag the proceedings of the main RCOP. Being a party, in the proceedings the petitioner himself can mark the certified copy of the order in R.C.A. No.608 of 2012 dated 19.01.2014. Therefore, the Court below has rightly rejected the said application.

5.Heard both sides and perused the materials available on records.

6.It is seen from the impugned order, the Court below has clearly observed that the petitioner can mark the certified copy of R.C.A. No.608 of 2012 dated 19.01.2014 himself during at the time of his evidence. The Court below has rightly dismissed the said application filed by the petitioner. Therefore, prayer sought by the petitioner in the instant Civil Revision Petition is liable to be dismissed.

7.In fine, the Civil Revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No Costs.

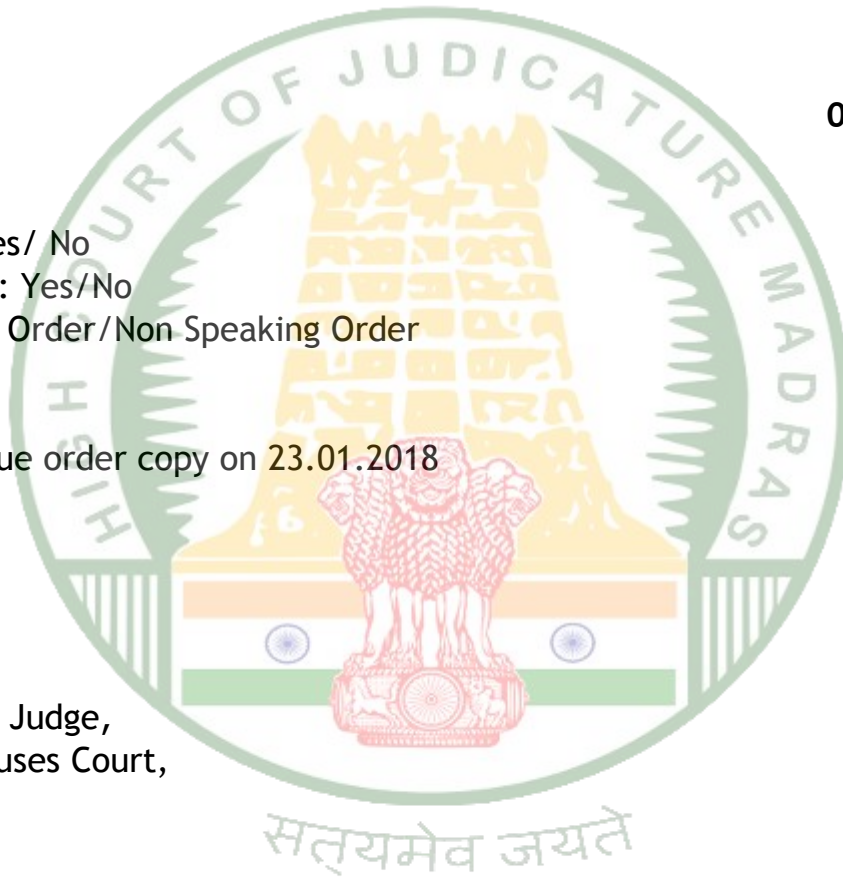
05.01.2018

Index: Yes/ No
Internet : Yes/No
Speaking Order/Non Speaking Order
RKP

Note: Issue order copy on 23.01.2018

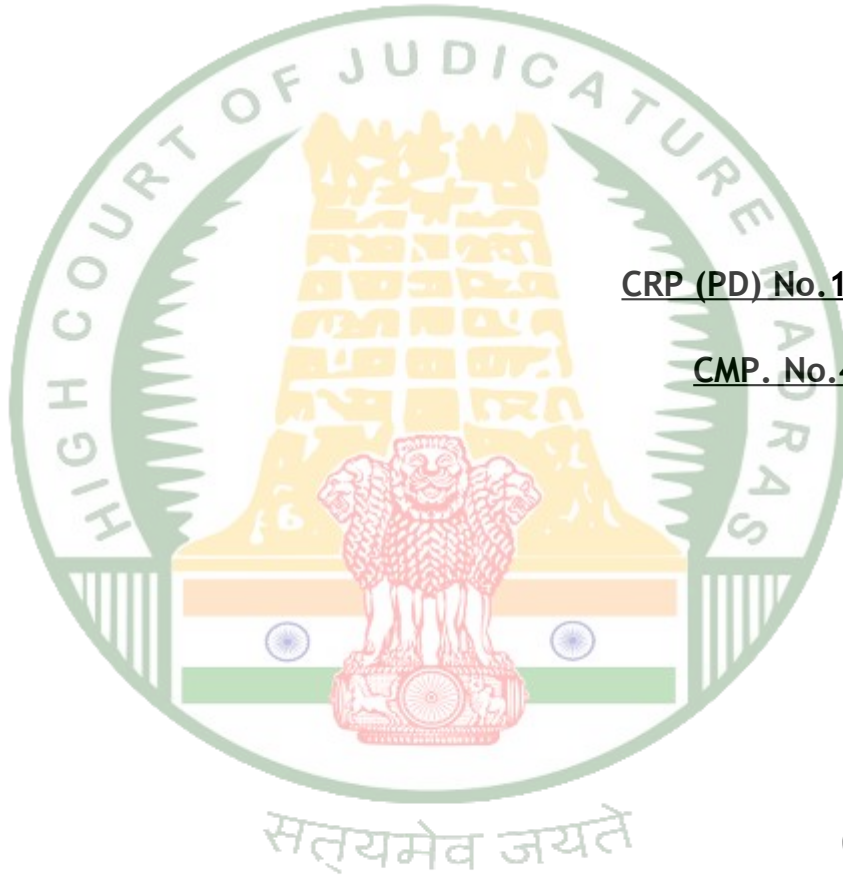
To

The XIII Judge,
Small Causes Court,
Chennai



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D. KRISHNAKUMAR J.,
RKP



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