

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

C.R.P.(PD).Nos.124 to 126 of 2018
& C.M.P.No.672 to 674 of 2018

Miron Lada,
W/o.Abner Alexandre Sambeth,
No.22 and 23, 1st Cross Street,
Ezhil Nagar (North), Lawspet Post,
Pondicherry.

... Petitioner
in all the cases

Vs

1. Abner Alexandre Sambeth,
S/o.Late Abner Rassendirane,
No.22 and 23, 1st Cross Street,
Ezhil Nagar (North), Lawspet Post,
Pondicherry.

2. The District Registrar,
Registration Department,
Sakthi Nagar, Saram,
Pondicherry.

3. The Oulgaret Sub Registrar,
Office of the Sub Registration Department,
Jawahar Nagar, Boomianpet,
Pondicherry.

... Respondents
in all the cases

PRAYER in C.R.P.(PD).Nos.124 to 126 of 2018: Civil Revision
Petition is filed under Section 227 of Constitution of India, praying
against the order and decretal order dated 11.12.2017 and made in
I.A.No.734 of 2017, I.A.No.735 of 2017, I.A.No.740 of 2017

respectively in O.S.No.21 of 2012 on the file of the Family Court (District Judge), Pondicherry.

C.R.P.(PD).Nos.124 to 126 of 2018

For Petitioner : Mr.N.Ishtiaq Ahmed

For R1 : Mr.R.Thiagarajan

For R2 & R3 : Mr.P.Visvas Soundaram
Government Advocate (Pondicherry)

COMMON ORDER

The challenge in the present revision is against the order allowing the respondents application filed under Order VII Rule 14 (iii) to condone the delay of filing of certain documents. The Court below while relying upon the provisions of Order VII Rule 14 had observed that the documents which are sought to be introduced in the suit are important documentary evidence which the petitioner had obtained from the Pondicherry Municipality as well as from the National Archives of India Record Centre, Puducherry.

2. According to the trial Court, it was of the view that the delay in presenting these documents was bonafide. The learned counsel for the respondents submit that all the documents which are sought to be produced are certified copies of public documents and

that the delay in obtaining these documents was due to the long search before the Public Office of the Puducherry Municipality as well as the National Archives of India Record Centre, Puducherry.

3. The learned counsel for the respondent herein submitted that the respondents herein is neither a party to the documents nor the author of the documents and as such, objected production of such documents before the trial Court.

4. It is seen that the present suit is for partition and that the first respondent herein claims to be a renocant. The present documents which are now sought to be produced before the Court are documents which could be supporting her status. In my view, these documents would only facilitate the Court to come to a logical conclusion. If at all, the petitioner herein is of the view that these documents are inadmissible or irrelevant, it is always open to her to raise such objections before the trial Court. As such, the reasons adduced by the petitioner herein that the trial Court erred in condoning the delay in filing those application is not acceptable. Hence I am of the view, that justification of the trial Court in allowing such an application does not suffer from any infirmity.

5. In the result, the ***Civil Revision Petition stand dismissed.*** It is needless to mention here that it is open to the petitioner herein to raise her objections with regard to the proof, relevance and admissibility of the documents before the Trial Court. No costs. Consequently, connected Miscellaneous Petitions are also closed.

01.11.2018

bsm
Index : Yes/No
Speaking/Non-speaking order

Note: Issue Order Copy on 09.11.2018

To,

1. The Family Court (District Judge),
Pondicherry.
2. The District Registrar,
Registration Department,
Sakthi Nagar, Saram,
Pondicherry.
3. The Oulgaret Sub Registrar,
Office of the Sub Registration Department,
Jawahar Nagar, Boomianpet,
Pondicherry.

M.S.RAMESH.J,
bsm



C.R.P.(PD).Nos.124 to 126 of 2018

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