

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH

C.R.P(NPD) No.141 of 2015

and

MP.No.1 of 2015

R.Govindarajan

..Petitioner

Vs

Venkatesan

..Respondent

Prayer:- Civil Revision Petition filed under Section 115 Civil Procedure Code, praying to set aside the Docket order of the Additional Sub Judge, dated 23.09.2014, in E.A.No. 94 of 2012 in E.P. No. 69 of 2008 rejecting the marking of the Koorchit as exhibit and direct the Hon'ble Additional Sub-Judge, Chengalpattu to mark the Koorchit dated 12.10.1947 as Ex-R1.

For Petitioner :Mr.S.Natarajan

For Respondent :Mr. K.V.Babu

ORDER

The order under challenge is a docket order passed when the petitioner attempted to mark an unregistered document during the course

of enquiry in his application filed under Section 47 of Civil Procedure Code.

2. The learned counsel for the petitioner submitted that the document intended to be marked is a koorchit. Though it is unregistered the same has been admitted by the respondent herein and as such the Execution Court was not justified in denying permission to mark the document. The learned Counsel would further submit that such documents are permissible for collateral purpose of establishing his rights over the property.

3. In my view, such documents would always be available to be produced before the trial Court or in the appellate Court in case, he challenges the Judgment and decree. Introducing such document in the enquiry under Section 47 CPC would only amount to re-litigating the entire issue in the suit, which is not permissible. Even otherwise, the admissibility of such unregistered document during enquiry under Section 47 CPC is not proper.

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4. As a result, I do not find any infirmity in the order passed by the trial Court. Hence, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is also closed. No costs.

12.12.2018

Index : Yes/No

vsn/dh

To

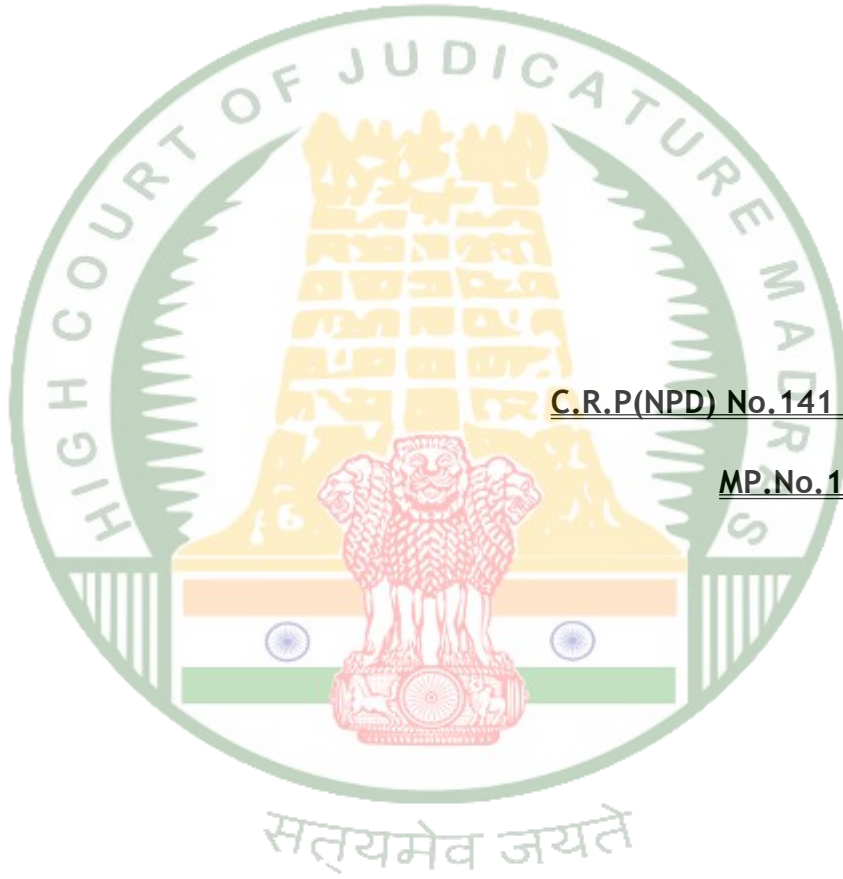
The Additional Subordinate Judge,
Chengalpattu,
Koorchit



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M.S. RAMESH.J.,

vsn/dh



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