

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 1.3.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.(PD) No.4711 of 2017 and C.M.P.No.22151 of 2017

C.Ramachandran ... Petitioner/Defendant

Vs.

Sree Srinivasa Balaji Papers Private Ltd.,
Rep. by its Director
Mr.S.Selvaraj ... Respondent/Plaintiff

This Civil Revision Petition is filed under Article 227 of Constitution of India against the order, dated 19.09.2017 made in I.A.No.1111 of 2017 in O.S.No.212 of 2013 on the file of the I Additional District Judge, Tirupur

For Petitioner : Mr.N.P.Vijaykumar
For Respondent : Mr.R.Rajesh

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ORDER

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According to the petitioner, the respondent has filed a suit in O.S.No.212 of 2013 for recovery of money against the petitioner herein. In the aforesaid suit, trial was commenced on 25.8.2015. On the side of respondent/ plaintiff, documents were marked as Ex.A1 to A7 and P.W.1 was cross

examined. After cross examination of P.W.1, the suit was posted for further evidence on 13.2.2017 and cross examination of P.W.2 also completed on 31.8.2017. I.A.No.1063 of 2017 has been filed by the respondent/ plaintiff to recall P.W.1. Petitioner/defendant has made an endorsement to permit recall of P.W.1. The respondent/plaintiff has filed an application in I.A.No.1111 of 2017 for filing additional documents. The aforesaid application was allowed by the court below. Challenging the aforesaid order, the petitioner/defendant has filed the present Civil revision petition before this Court by filing docket order alone without filing certified copy of fair and decreetal order.

2 At admission stage, this Court granted interim stay and thereafter, when the matter was taken up for hearing, a specific query has been raised, viz., "whether the present Civil revision petition is maintainable by filing docket order alone, without filing a certified copy of the fair and decreetal order ?"

3 The learned counsel for the petitioner would submit that the counsel appearing for the petitioner before the trial court has filed an affidavit stating that copy application was filed on 25.9.2017 in C.A.No.5250 of 2017 for petition, order copy for fair and final order before the court below. He further submitted that Registry made entry in its register for issue of

petition, docket order and fair and final order. The trial court allowed the I.A.No.1111 of 2017 and even permitted the respondent to mark the disputed document on the very same day. The petitioner lost the opportunity to even object to the marking of the document. The learned counsel for the respondent objected by stating that the petitioner has applied only for the docket order and there is no application for fair and decreetal order. At this stage, this Court directed the I Additional District Judge, Tirupur to submit a report. The I Additional District Judge, Tirupur in D.No.116 of 2018, dated 16.2.2018 submitted his report by stating that the respondent had not requested for certified copies of fair and decreetal order in I.A.No.1111 of 2017 and therefore, the same was not furnished to the respondent. Even at the time of filing the C.R.P., the petitioner has not disclosed the aforesaid facts. Therefore, there is no force in the contention of the petitioner as the petitioner has not revealed the aforesaid fact at the time of admission in the C.R.P.

4 In view of the above, the Civil revision petition fails and dismissed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

1.3.2018

D.KRISHNAKUMAR,J.

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Speaking/Non Speaking order

Index: Yes/No

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To

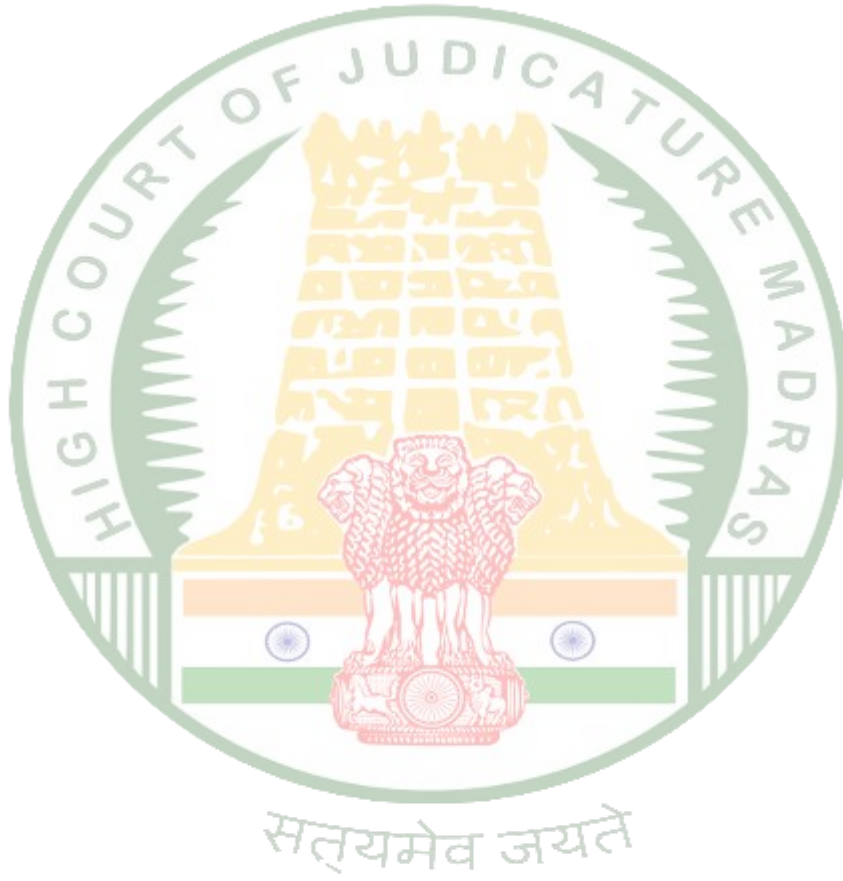
The I Additional District Judge, Tirupur



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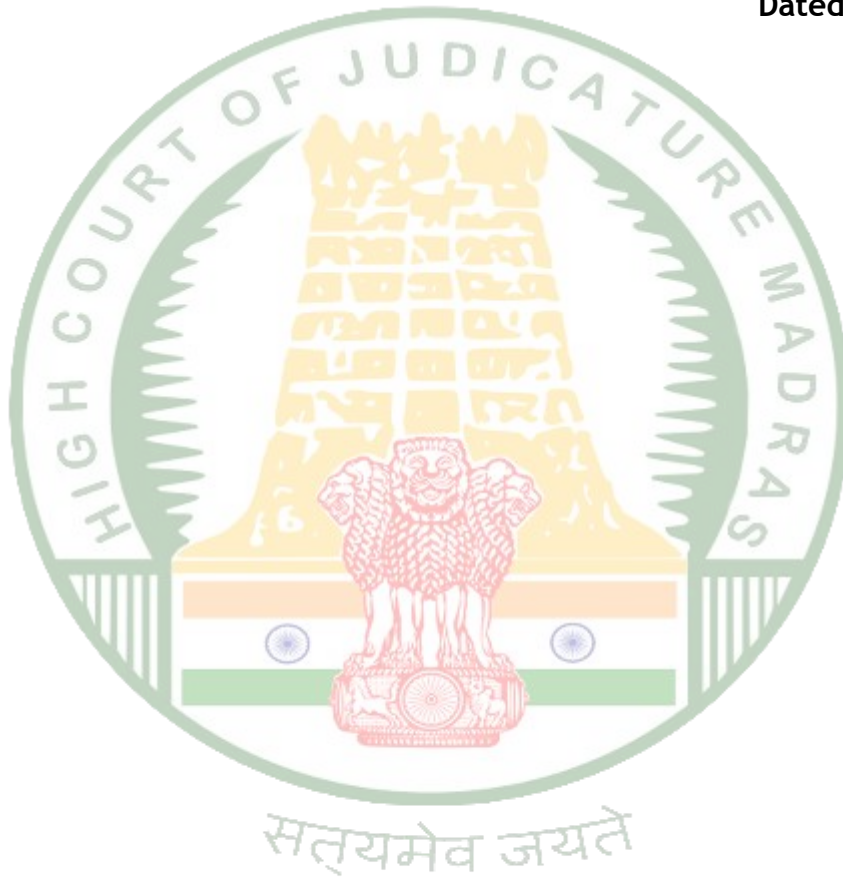
Dated: 1.3.2018



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C.R.P.(PD) No.576 of 2016
and C.M.P.No.5058 of 2016

Dated: 7.2.2018



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