

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP(PD).No.660 of 2017
and CMP.Nos.3331 & 12895 of 2017

M/s.Jayanthi Jewellery,
Rep by its Managing Partner,
V.Ganesan,
No.675, Lattice Bridge Road,
Thiruvanmiyur,
Chennai 600 041.

.. Petitioner

Vs

Ponni (deceased)
Anbu @ Anbarasan (deceased)
1.Malar
2.Kavitha
3.Sathish
4.Ambika Murali
5.A.Parvin Banu
6.A.Mohammed Shabir(Minor),
S/o Anbu,
Rep.by mother and natural Guardian
A.Parvin Banu
as per order in IA.15671 / 2014
dated 08.12.2014

.. Respondents

PRAYER

Civil Revision Petition is filed under Article 227 of the
Constitution of India against the Order and Decreetal Order passed in

IA.No.3535 of 2006 in OS.No.1637 of 2012 dated 11.01.2017 on the file of the learned II Additional Civil Court at Chennai.

For Petitioner : Mr.T.V.Krishnamachari

For Respondents : Mr.G.Veerapathiran for R4
Mr.G.Jehanathan for R1 to R3 & R5

ORDER

According to the revision petitioner, the revision petitioner has filed an application in IA.No.3535 of 2016 in OS.No.1637 of 2012 under Order VII Rule 14 (3) and Section 151 of the Civil Procedure Code to receive the petition mentioned documents viz., i) certified copy of entire deposition of Jaya in the suit OS.No.12013 of 1996 on various dates, ii) certified copy of order in CRP.Nos.2644 and 2645 of 2007 dated 18.09.2009 and iii) the decretal order in CRP.Nos.2644 and 2645 of 2007 dated 18.09.2009. The court below considered the said application and allowed the same with regard to the documents No.2 and 3 are concerned. Insofar as the documents No.1 is concerned, the court below dismissed for the reason that without examining the said Jaya, when the deponent is a living person and also available, the same cannot be received and marked. Challenging the aforesaid portion of the order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. At this stage, the learned counsel for the revision petitioner would submit that the document No.1 is concerned, no prejudice would be caused to the respondents if the same is allowed. And also it is left open to the respondents to raise all these objections in respect of the said document before the court below.

3. To that extent, the learned counsel for the respondents has sought for this Court to reserve their rights to raise all these objections at the time of marking the documents before the court below.

4. Therefore, in the light of the above, the order passed by the court below insofar as the document No.1 is concerned is set aside and the court below is permitted to receive the document No.1. Liberty is also granted to the respondents to raise all these objections at later stage.

5. The learned counsel for the revision petitioner requests this Court to direct the court below to dispose of the above suit within the time frame as may be fixed by this Court.

6. At the request of the learned counsel for the revision petitioner, considering that the suit was originally filed in the year 2002 before the High Court and subsequently, the same was transferred to the II Additional City Civil Court, Chennai and renumbered as 1637 of 2012, the court below is directed to dispose of the suit in OS.No.1637 of 2012 on merits and in accordance with law as expeditiously as possible preferably within the period of four months from the date of receipt of a copy of this Order.

7. Thus, the Civil Revision Petition is allowed with above directions. Consequently, the connected miscellaneous petitions are closed. No costs.

05.02.2018

Speaking/Non-Speaking order

Index :Yes/No

Internet:Yes/No

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To

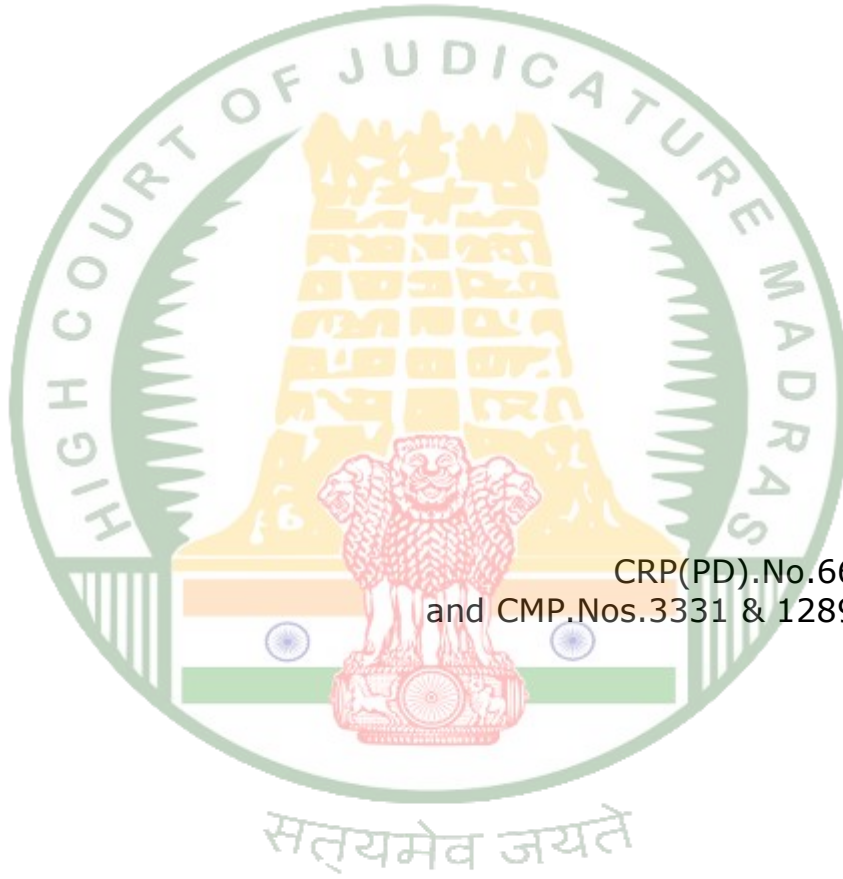
The II Additional City Civil Court,
Chennai



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D. KRISHNAKUMAR J.,

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