

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2018

CORAM:

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

CRP(PD).No.303 of 2018
and CMP.No.1646 of 2018

1.R.Subramaniam
By power agent Malliga
S/o.Ramaswamy Gounder
2.Malliga Subramaniam

.. Petitioners

Vs

Kumarswamy

.. Respondent

PRAYER

Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and the decretal order passed in IA.No.855 of 2017 in OS.No.172 of 2008 on 12.12.2017 by the learned Additional District Munsif, Namakkal.

For Petitioners : Mr.S.Balasubramanian

ORDER

According to the revision petitioners, the respondent has

filed an application in IA.No.855 of 2017 in OS.No.172 of 2008 under Order 8 Rule 1 A (3) and Section 151 of the Civil Procedure Code to condone the delay in marking of certain documents, which was allowed. Challenging the aforesaid order, the revision petitioners have filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioners would submit that the aforesaid application was allowed without considering the objection of the revision petitioners that the documents regarding the property tax are all, after filing of the suit and they cannot be relied upon by the respondent. Therefore, the order of the court below is liable to be set aside.

3. Considering the aforesaid facts and the submissions made by the learned counsel for the revision petitioners, this Court is of the view that the revision petitioners can raise all these objections at the time of trial of the suit. Further, marking of such documents would not prejudice the rights of the revision petitioners. No prima facie case is made out in favour of the revision petitioners and hence, the Civil Revision Petition is liable to be dismissed.

4. In fine, the Civil Revision Petition fails and the same stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

31.01.2018

Speaking/Non-Speaking order

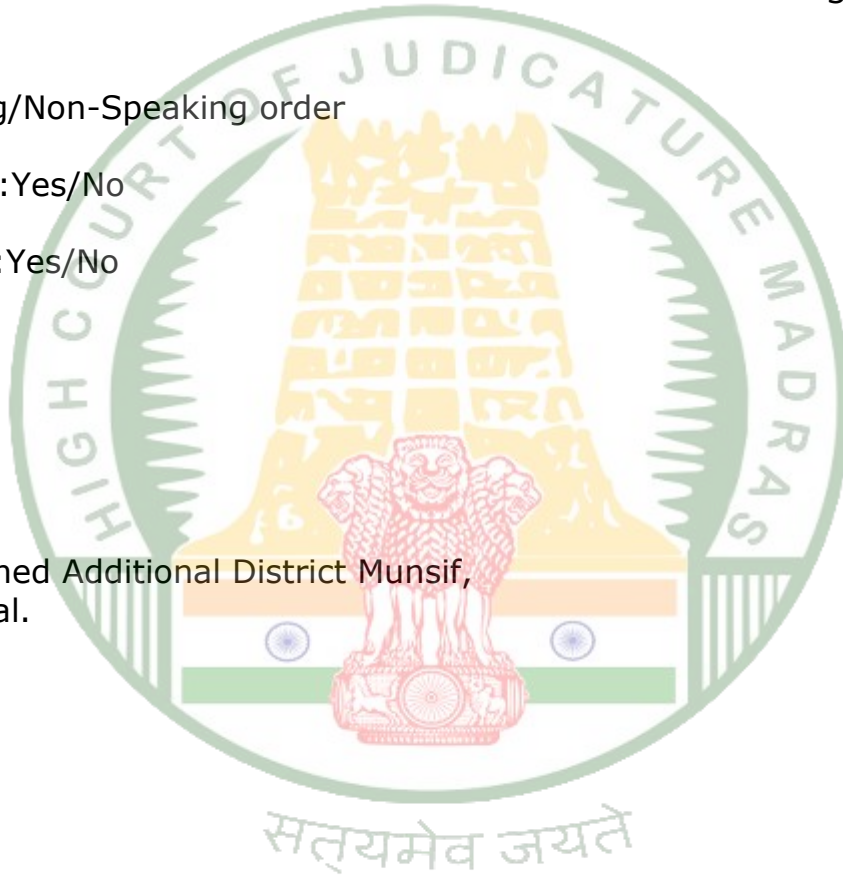
Index :Yes/No

Internet:Yes/No

lok

To

The learned Additional District Munsif,
Namakkal.



WEB COPY

D. KRISHNAKUMAR J.,

lok



CRP(PD).No.303 of 2018
and CMP.No.1646 of 2018

WEB COPY

31.01.2018