

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP(PD).No.786 of 2018
and CMP.No.4337 of 2018

Geetha Lakshmi

.. Petitioner

Vs

1.Santhi
2.Devaraj

.. Respondents

PRAYER

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 16.08.2017 made in IA.No.724 of 2016 in OS.No.241 of 2006 on the file of the Additional District Munsif Court, Gingee.

For Petitioner : Mr.A.Saravanan

ORDER

According to the revision petitioner, the revision petitioner has filed a suit in OS.No.241 of 2006 on the file of the Additional District Munsif, Gingee for declaration of title. In the aforesaid suit, the revision petitioner has preferred an application in IA.No.724 of 2016 for deletion

of document marked as Ex.B4 by the respondents which is unregistered photocopy of the sale agreement dated 25.12.2004. According to the revision petitioner, the aforesaid sale agreement is neither primary evidence nor secondary evidence under Sections 62 and 63 of Indian Evidence Act. Therefore, the same is inadmissible document. But the court below has dismissed the said application. Therefore, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. Heard the learned counsel for the revision petitioner and perused the materials available on record.

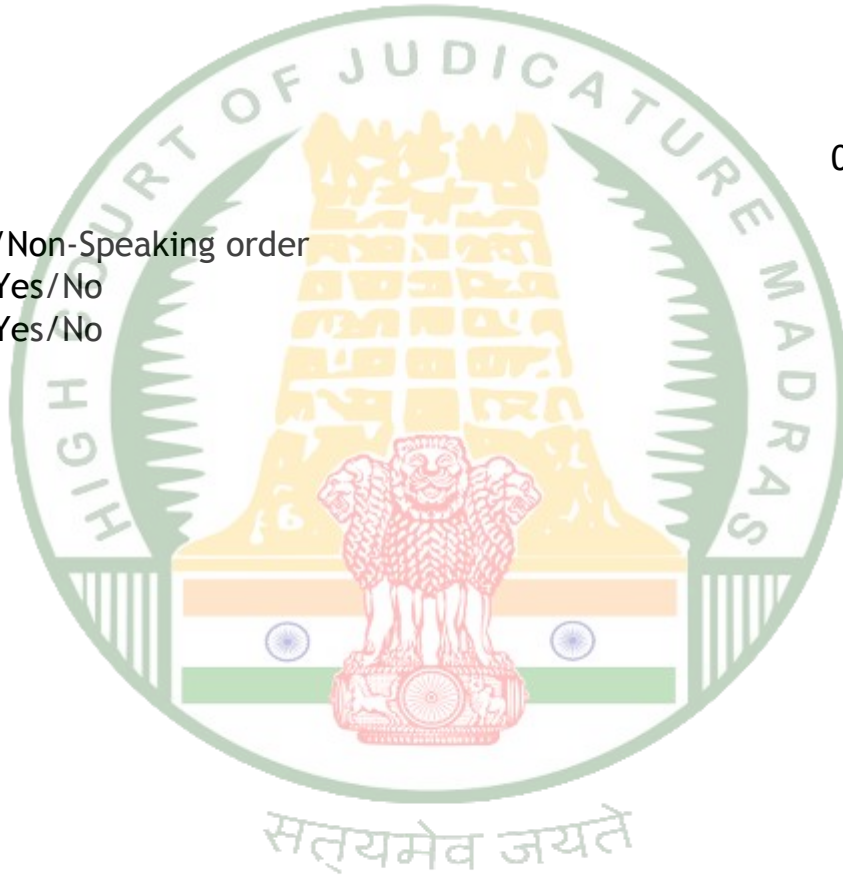
3. On perusal of records, after considering the contention of the revision petitioner as well as the objection of the respondents, the trial court has dismissed the said application by holding that at the time of the defendant side evidence, the revision petitioner can examine the genuineness of the said document. Therefore, the court below has provided an opportunity to the revision petitioner. At this stage, it is not proper for this Court to interfere with the orders passed by the court below. Therefore, there is no warrant to interfere with the orders passed by the court below and the Civil Revision Petition is liable to be

dismissed.

4. The Civil Revision Petition is dismissed with above observations. Consequently, the connected miscellaneous petition is closed. No costs.

09.03.2018

Speaking/Non-Speaking order
Index :Yes/No
Internet:Yes/No
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D. KRISHNAKUMAR J.,

lok

To

The Additional District Munsif Court,
Gingee.



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