

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 01.11.2018****CORAM****THE HONOURABLE MR. JUSTICE M.S. RAMESH****C.R.P.(PD).No.452 of 2018
& C.M.P.No.2394 of 2018**

Mrs.V.Padmavathi(Deceased)
L.R.N.Vijayaranga,
66/95, Kothavalchavadi Street,
Saidapet, Chennai-600 015.

(impleaded as L.R.as per order in I.A.No.7238/2011
in O.S.Sr.No.17983 of 2011 dated 23.08.2011) ... Petitioner

Vs

S.Babu,
H/o.P.R.Anuradha,
66, First Cross Street,
Sathiya Sai Nagar, Rajakilpakkam,
Chennai-600 073.

... Respondent

PRAYER: Civil Revision Petition is filed under Section 227 of Constitution of India, praying to set aside the order dated 28.11.2017 passed in I.A.No.13956 of 2017 in O.S.No.7198 of 2011 by the learned VIII Assistant Judge, City Civil Court, Chennai.

For Petitioner : Mr.K.Chandrasekarn

For Respondent : Mr.C.Kalaichelvan

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ORDER

The respondent herein is not a party to the suit in O.S.No.7198 of 2011. When the respondent has filed an application seeking for a request to the trial Court, to receive seven documents, the same came to be allowed by an order dated 28.11.2017, which is under challenged in the present Civil Revision Petition.

2. One of the main grounds raised in the present revision is that since the respondent herein is not a party to the suit, he will not have the right to file any petitions pending the suit.

3. According to the learned counsel for the petitioner, though he has raised this specific ground in his counter, the trial Court had failed to consider the same.

4. The learned counsel for the respondent submits that the defendant is now willing to file an application seeking for a direction from the Court to receive the same documents and that if such a liberty is granted, the present order can be set aside. To such a submission, the learned counsel for the petitioner does not have any objections.

5. In the light of the above submissions, the order dated 28.11.2017 passed in I.A.No.13956 of 2017 in O.S.No.7198 of 2011 is set aside with liberty to the defendant in the suit in O.S.No.7198 of 2011 to file an application to receive the same seven documents. It is open to the petitioner herein to contest such an application by filing the counter before the Trial Court.

6. With the above observations, the **Civil Revision Petition is disposed of.** No costs. Consequently, connected Miscellaneous Petition is also closed.

01.11.2018

bsm
Index : Yes/No
Speaking/Non-speaking order

To
The learned VIII Assistant Judge,
City Civil Court,
Chennai.

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M.S.RAMESH.J,
bsm



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