



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) No.94 of 2018

and

C.M.P (MD) .No.411 of 2018

K.Narayanan

... Petitioner/2nd petitioner/
2nd Defendant

vs.

1.M.S.P.N.Ramaiah

2.Mookaiah

3.Manthiram

4.Raman

... Respondents 1 to 4/

Respondents 1 to 4/Plaintiffs 1 to 4

5.Navaneethakrishnan

Janarthanan (died)

6.Velkumar

7.C.P.Raja

... Respondents 5 to 7/

Petitioners 1,4 & 5/Defendants 1,4 & 5

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the order, dated 04.11.2017, made in I.A.No.551 of 2017 in O.S.No.361 of 2013 on the file of the Additional District Munsif Court, Tuticorin and allow this Civil Revision Petition.

For Petitioner : Mr.R.Vijayakumar

For Respondents : Mr.B.Rajesh Saravanan for R1 to R4
No Appearance for R5 to R7

ORDER

The petitioner has come forward with this petition, seeking to set aside the order, dated 04.11.2017 made in I.A.No.551 of 2017 in O.S.No.361 of 2013 on the file of the Additional District Munsif Court, Tuticorin.

2.The respondents 1 to 4/Plaintiffs have filed the suit in O.S.No.361 of 2013 before the Additional District Munsif, Tuticorin against the defendants for compensation. Pending suit, the revision petitioner/2nd defendant has filed I.A.No.551 of 2017 to accept the additional documents sought to be marking on his side. The trial Court has partly allowed the petition by allowing the petitioner to mark only the documents Nos.1 to 3, 5, 9 and 11 to 13 and dismissed the petition in respect of other documents. Aggrieved over the same, the petitioner has come forward with this petition.



3.The learned counsel for the revision petitioner submitted that the trial Court has failed to see that the document Nos.4,6 and 10 are certified copies issued by the District Munsif Court, Tuticorin in O.S.No.14 of 2010, O.S.No.147 of 2010 and vital to the issue on hand.

4.Learned counsel for the respondents 1 to 4 has contended that this petition is not maintainable as the documents sought to be marked have no relevancy to the issue on hand and those documents were created for the purpose of this case. Therefore, this petition is liable to be dismissed.

5.Heard the learned counsel on either side and also perused the material documents available on record.

6.It is settled principle of law that there is no restriction to receive the documents sought to be filed by either parties. Therefore, I am of the view that the order of the Trial Court is to be set aside and the receipt of the document can be opposed only at the time of its marking, by raising objections to its validity and vitality.

7.In the result,

a) this civil revision petition is allowed by setting aside the order passed in I.A.No.551 of 2017 in O.S.No.361 of 2013 by the learned Additional District Munsif, Tuticorin

b) the respondents are at liberty to make their objections, at the time of marking the documents and

c) the trial Court is directed to dispose the suit in O.S.No.361 of 2013 within a period of four months from the date of receipt of a copy of this order by conducting the trial on day to day basis without giving unnecessary adjournments to either parties and the parties are directed to give their fullest cooperation for the early disposal. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

To

The Additional District Munsif, Tuticorin.

+1cc to M/S.R.Vijayakumar, Advocate SR.No. 74430

+1cc to M/S.B.Rajesh Saravanan, Advocate SR.No. 74409

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