



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

C.R.P (MD) .No.772 (PD) of 2018 and
CMP(MD) .No.3417 of 2018

1. V. Jayalakshmi
2. Arumugam

... Petitioners/Respondents/
Defendants

Vs.

M. Lillimetry Flora Mariyadoss,
rep. by the Power Agent,
Mahalingam Thondaiman

... Respondent/Petitioner/
Plaintiff

Prayer: This Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 22.01.2018 passed in I.A.No. 24 of 2018 in O.S.No. 189 of 2011 on the file of the learned II Additional Subordinate Judge, Thiruchirappalli.

For Petitioner

... Mr.A. Joel Paul Antony

ORDER

This Civil Revision Petition is filed against the fair and decreetal order, dated 22.01.2018, passed in I.A.No. 24 of 2018 in O.S.No. 189 of 2011, on the file of the learned II Additional Subordinate Judge, Thiruchirappalli.

2. The respondent, who is the plaintiff in O.S.No.189 of 2011, on the file of the II Additional Sub Court, Thiruchirappalli, had filed an application in I.A.No. 24 of 2018, for condoning the delay in receiving the documents. The revision petitioners / defendants made objection before the Court below that the respondent had filed only photostat copies of the documents instead of original and the delay was not properly explained. Considering the objection made by the revision petitioners herein, the learned II Additional Subordinate Judge, Thiruchirappalli, has allowed the said Interlocutory Application on 22.04.2018, by stating that the objections regarding the admissibility of those documents shall be duly considered at the time of trial. Challenging those documents into evidence. Challenging the said order, the petitioners / defendants have have filed the present Civil Revision Petition.



3. Heard the learned counsel appearing for the petitioners.

4. The respondent has filed the application in I.A.No.24 of 2018, under Order 21 Rule 151 CPC seeking to condone the delay in receiving the documents. Time and again, this Court and the Hon'ble Apex Court has held that the petition filed under Order 21 Rule 151 CPC may be considered liberally. Further, it is totally discretionary power of the Court to accept the documents even after filing with delay. Admittedly, in this case, the learned Judge held that the objection in marking the photostat copies will be considered at the time of admitting those documents with evidence. At this juncture, this Court is inclined to refer to a decision of the Hon'ble Apex Court in **Shalimar Chemical Works Limited Vs. Surendra Oil and Dal Mills Hon'ble** reported in **2010(8) SCC 423**, wherein it has been held that no Court shall permit the parties to mark the Xerox copy. The said Judgment is clearly applicable to the facts of the present case. The petitioners are at liberty to make their objection if the respondent is attempted to mark Xerox copy of the documents, which he filed in I.A.No. 24 of 2018.

5. In the result, this Civil Revision Petition is dismissed, confirming the order, dated 22.01.2018 passed in I.A.No. 24 of 2018 in O.S.No. 189 of 2011, on the file of the learned II Additional Subordinate Judge, Thiruchirappalli. No costs. Consequently, the connected Miscellaneous Petition is closed.

6. The learned II Additional Subordinate Judge, Thiruchirappalli is directed to dispose of the said suit in O.S.No.189 of 2011, pending on its file within a period four months from the date of receipt of copy of this order.

Sd/-

Assistant Registrar(T & P)

/True copy/

Sub Assistant Registrar

trp

To

The II Additional Subordinate Judge, Thiruchirappalli.

Copy to:

THE SECTION OFFICER, (Two Copies)

VR SECTION, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

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