



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.04.2018
CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

WEB COPY

C.R.P. (PD) (MD) No.287 of 2015
and
M.P. (MD) .No.1 of 2015

1.The Deputy Director/Wild Life Warden,
Kalakadu Sanctuary,
Kalakad,
Nanguneri Taluk,
Tirunelveli.

2.The Chief Conservator of Forest,
Chennai.

3.Tamil Nadu Government through
The District Collector,
Having office at Kokkirakulam,
Tirunelveli Taluk,
Tirunelveli.

.. Petitioners /Petitioners/ Defendant

Vs.

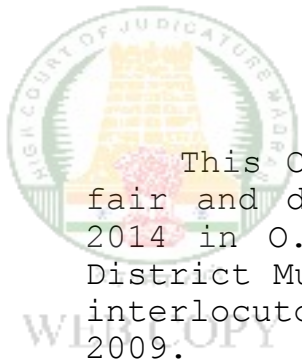
Annai Thampiran Kovil,
Kodamaadi,
Thirukurungudi,
Represented by its Manager
Mr.Sivaraman for himself
and for Anaidi Thampiran
Kovil followers

.. Respondent / Respondent/ Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, praying this Court to set aside the fair and decretal order, dated 18.09.2014, made in I.A.No.277 of 2014 in O.S.No.169 of 2009, on the file of the learned Principal District Munsif cum Judicial Magistrate, Nanguneri and to allow the interlocutory application in I.A.No.277 of 2014 in O.S.No.169 of 2009.

For Petitioners : Mr.Aayiram K Selvakumar
Additional Government Pleader

For Respondent : V.Meenakshi Sundaram

ORDER

This Civil Revision Petition has been filed, against the order, fair and decretal order, dated 18.09.2014, made in I.A.No.277 of 2014 in O.S.No.169 of 2009, on the file of the learned Principal District Munsif- cum-Judicial Magistrate, Nanguneri and to allow the interlocutory application in I.A.No.277 of 2014 in O.S.No.169 of 2009.

2. The defendant filed an application under Order 8 Rule (1) (A) (3) CPC., seeking permission to file additional documents in I.A.No.277 of 2014 in O.S.No.169 of 2009, on the file of the learned Principal District Munsif, Nanguneri. The said application was dismissed by the learned Judge on 18.09.2014, on the ground that the documents filed along with the petition are self-attested documents and earlier, the application filed for the very same prayer in I.A.No.64 of 2014 was dismissed by the very same Court on 08.07.2014. Therefore, the petitioner cannot be permitted to re-agitate the matter once again, after such dismissal. Challenging the said order, the petitioner has filed the present petition before this Court.

3. I have heard the learned Additional Government Pleader for the petitioners and the learned counsel for the respondent and perused the materials placed on record.

4. It is the admitted case of the petitioners that earlier they filed I.A.No.64 of 2014 praying to permit them to mark additional documents, but the said application was dismissed by the Trial Court by stating that the petitioners have not filed original or certified copy of the said documents. Therefore, the learned Trial Judge held that earlier the very same consideration was made in I.A.No.64 of 2014 and now the petitioner cannot re-agitate the matter once again.

5. Now, the learned counsel for the respondent stated that though he has not raised any objection for filing the additional documents, the documents 1 to 4 mentioned in the petition are self-attested documents. If the petitioners filed the original copies or original certified copies, the Court may accept his plea for filing the additional documents.

6. On a perusal of the records, I have seen that document No.3 as per the judgment passed by the Hon'ble Supreme Court, the copies of the documents in any kind is acceptable one. Therefore, I am inclined to allow this Civil Revision Petition on condition that the petitioners, should produce the original certified copies or original documents before the Court in the said O.S.No.169 of 2009.



7. In the result,

1) this Civil Revision Petition is allowed by setting aside the order passed in I.A.No.277 of 2014 in O.S.No.169 of 2009.

2) The petitioner is directed to produce either original copies or original certified copies of the documents 1, 2 and 4 to the officer concerned before the Court below.

3) On such filing, as directed by this Court, the learned Trial Judge is directed to accept the additional documents and also permit the respondent to mark with objection, if any.

4) Further, the trial Court is directed to dispose of the suit in O.S.No.169 of 2009, on its file, within a period of four months from the date of filing of such documents.

No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Principal District Munsif-cum-Judicial Magistrate,
Nanguneri.
2. The Deputy Director/Wild Life Warden,
Kalakadu Sanctuary, Kalakad,
Nanguneri Taluk, Tirunelveli
3. The Chief Conservator of Forest, Chennai.
4. The District Collector,
Kokkirakulam,
Tirunelveli Taluk,
Tirunelveli.

5. The Section Officer, (2 copies)
V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.D.Nallathambi, Advocate, SR.No.61090

PJL

RL/8C/3P/SV/MMS/SAR4/2/5/2018

C.R.P. (MD) (PD) No.287 of 2015
and
MP (MD) No.1 of 2015

12.04.2018