



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.V. MURALIDARANC.R.P. (MD) No. 2291 of 2017

WEB COPY

K.V. Nataraj : Petitioner

-Vs-

1.Saraswathi
2.Sundarambal : Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order made in I.A.No. 648 of 2017 in O.S.No.626 of 2005 by the District Munsif Court, Palani, dated 07.10.2017.

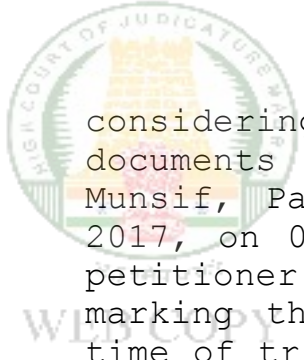
For Petitioner : Mr.D. Venkatesh
For respondents : Mr. T. Lajapathi Roy for R2
No appearance for R1

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order dated 07.10.2017, made in I.A.No.648 of 2017 in O.S.No.626 of 2005 on the file of the District Munsif Court, Palani.

2. The revision petitioner, who is the plaintiff, has filed a suit in O.S.No.626 of 2005 on the file of the District Munsif Court, Palani, seeking for a relief of declaration and permanent injunction. After commencement of trial, the revision petitioner / plaintiff has filed an application in I.A.No. 648 of 2017 under Order VII Rule 14(3)(1) r/w. 151 CPC to condone the delay in marking eight documents and to accept the same. The learned District Munsif, Palani, has dismissed the said application stating that the petitioner has not mentioned about those documents at the time of arguments and he has not proved the relevancy of the documents mentioned in the application. Aggrieved over the said order, the petitioner is before this Court with the present Civil Revision Petition.

3. On a perusal of the materials produced before this Court, it is seen that the petitioner has filed an application under Order VII Rule 14(3)(1) r/w Section 151 CPC to condone the delay in marking the documents and to receive the documents. On



considering the objection raised by the respondents that those documents are not relevant to the suit, the learned District Munsif, Palani, dismissed the said application in I.A.No.648 of 2017, on 07.10.2017. However, in my considered view, since the petitioner has filed the application to condone the delay in marking the documents and to receive the documents only at the time of trial, this Court is inclined to allow this Civil Revision Petition.

4. In the result,

(a) this Civil Revision Petition is allowed by setting aside the order dated 07.10.2017, made in I.A.No.648 of 2017 in O.S.No.626 of 2005 passed by the learned District Munsif, Palani.

(b) The respondents are given liberty to raise all their objections at the time of marking the documents in the trial Court.

(c) The learned District Munsif, Palani, is directed to dispose of the said suit in O.S.No.626 of 2005, within a period of four months from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

trp
To

1 The District Munsif Court, Palani.

2 The Record Keeper,
VR Section,
Madurai Bench Of Madras High Court,
Madurai (Two Copies)

+1 cc to MR.D.VENKATESH, Advocate SR.No.64735

+1 cc to MR.T.LAJAPATHI ROY, Advocate SR.No.63864

C.R.P. (MD) No.2291 of 2017

26.04.2018