



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.08.2018

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P.NPD[MD]No.313 of 2016

and

C.M.P.[MD]No.1298 of 2016

V.T.Govindasamy (Died)

1.Kannammal

2.Velmurugan

3.Angalaparameswari

4.Karthikeyan

Jeyaprakasam (Died)

5.Arulprakasam

Krishnaraj (Died)

6.Deepakumari

7.Neelakannan

: Petitioners

Vs.

T.Veeramani

: Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the entire records of the suit in I.A.No.383 of 2013 in O.S.No.41 of 2001 on the file of Subordinate Judge, Palani and set aside order passed in I.A.No.383 of 2013 in O.S.No.41 of 2001 dated 25.06.2015 and allow this civil revision petition by allowing the application for reception of documents.

For Petitioners : Mr.K.Muraleedharan

For Respondent : Mr.T.Antony Arul Raj

O R D E R

The revision petitioners are the defendants in O.S.No.41 of 2001, on the file of the Subordinate Court, Palani. The suit is one for specific performance. When the defendants' turn came for adducing evidence, they filed I.A.No.383 of 2013, under Order VIII Rule 1-A of the Code of Civil Procedure for obtaining leave of the Court to receive the documents in question. This is because, these documents were not filed by the defendants along with the written statement. The Court below dismissed the said Interlocutory Application. Questioning the same, this Civil Revision Petition came to be filed.



2. Heard the learned Counsel on either side.

3. This Court is of the view that the defendants cannot be said to have dragged on the proceedings. When the stage came for adducing evidence on their side, this application was taken out. Therefore, the Court below ought to have adopted a liberal approach. In this view of the matter, the order impugned in this civil revision petition is set aside. It is needless to mention that the plaintiff is at liberty to question the admissibility and relevancy of those documents. This is because, according to the Counsel for the respondent there is absolutely no evidence in the pleadings of the defendants in this regard.

4. With the above observation, the Civil Revision Petition is allowed. The suit is of the year 2001. The Court below is directed to dispose of the main suit within a period of three [3] months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-I)

To
The Subordinate Judge,
Palani.

+1 CC To MR.T.ANTONY ARUL RAJ, Advocate SR. NO. 79997

ORDER MADE IN
C.R.P.NPD[MD] No. 313 of 2016
24.08.2018

MR
TR/SV/SAR-I (01.10.2018) 2P 3C