

HON'BLE SRI JUSTICE S.V.BHATT

C.R.P. No.2825 OF 2012

ORDER:

Heard Mr.Sai Ram Murthy for revision petitioner and no representation for respondents in spite of service of notice.

The revision petitioner is the defendant in O.S No.86 of 2005. Exs.A.7 to A.9 are received in evidence and marked through PW.1 on 05.10.2007. The revision petitioner objected to marking of these three documents under Indian Stamp Act, Registration Act and Evidence Act. The trial Court did not decide the objection then and there. However, the documents were marked as Exs.A.7 to A.9. The revision petitioner after five years when the suit is posted for arguments, filed the instant application to hear the objections and demark these exhibits. Mr.Sai Ram Murthy learned counsel places reliance on the decision of the Apex Court in R.V.E Venkatachala Gounder Vs. Arulmigu Viswesaraswami & V.P. Temple & AR¹ and submits that the legal objections raised ought to have been considered and decided.

I have perused the record and also the ratio laid down by the Apex Court in R.V.E Venkatachala Gounder case. This Court is of the view that the objections raised by the revision petitioner are kept intact for consideration while disposing of the suit. The filing of the instant petition though tenable in law, but having regard to the time gap and also the fact that the suit was posted for argument when this request for decision on objection was raised, hence, this

¹ AIR 2003 SC 4548

Court is not persuaded to reopen the entire issue and further delay the adjudication of the suit. On the other hand, to meet the ends of justice while disposing the CRP., this Court directs the trial Court to examine all the objections, the revision petitioner has against Exs.A.7 to A.9 while disposing of the suit. Therefore, for the said purpose, the revision petitioner is given liberty to file by way of Memo each one of the objections the petitioner has against Exs.A.7 to A.9 for consideration by the trial Court.

With the above observation, the CRP is dismissed. The trial Court is directed to dispose of the suit within six weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.

Date:06.09.2018
 Note:
 C.C. in one week.
 B/o.
 Sp



S.V.BHATT, J