

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP PD NO.3740 of 2013 and
M.P.No.1 of 2013

Kavitha Ravanam ... Revision Petitioner

Vs.

Hariharan ... Respondent

Prayer: Civil Revision Petition filed under Section 227 of the Constitution of India against the order dated 01.04.2013 passed by the Principal District Munsif, Tindivanam in I.A.No.96 of 2013 in O.S.No.193 of 2009.

For Revision Petitioner : Mr.D.Saikumaran

For Respondent : Mr.A.P.Suryaprahasam

ORDER

Revision petition filed against the orders passed in I.A.No.96 of 2013 in O.S.No.193 of 2009, partly allowing the application to file documents No.6 to 8 and rejecting the documents No.1 to 5 and 9 referred in the petition.

2. The revision petitioner is the defendant in O.S.No.193 of 2009. The the defendant filed an application to receive the documents No.1 to 9 as referred in his petition to prove his case and the respondent/plaintiff objected it on the ground that those documents cannot be marked in evidence. However, the trial court allowed the documents No.6 to 8 alone to be marked in evidence and rejected the documents No.1 to 5 on the ground that the same were only certified copies and the originals of the said documents could be summoned from the Tahsildar Office and could be marked. As far as the document No.9 is concerned, the trial court held that the same is an unregistered document and thus cannot be received in evidence.

3. It is well settled law that except the document which required stamp duty, other documents can be marked subject to proof and reliability. Merely because the documents No.1 to 5 are certified copies, the trial court ought not to have rejected the same on the ground that the original should be summoned from the concerned Tahsildar officer. As far as the document No.9 is concerned, the trial court ought to decide first, whether those documents are required to be impounded or to be used only for collateral purpose, after collecting necessary stamp duty penalty.

Without deciding these facts, the trial court cannot simply reject the

documents. Hence, the revision petition is allowed.

4. In the result,

(i) The revision petition is allowed. No costs. The connected civil miscellaneous petition is closed.

(ii) The decretal order and order passed by the trial court are set aside.

(iii) The trial court is directed to dispose the suit within 4 months from the date of receipt of a copy of this order.

13.02.2019

Index : Yes / No
Internet : Yes / No
speaking/non speaking
mst

To

The Principal District Munsif, Tindivanam.

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N.SATHISHKUMAR, J.
mst



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