

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (PD) NO.1916 OF 2019
AND CMP NO.12616 OF 2019

1.Vatchala
2.Amsa
3.Poongol

... Petitioners

Versus

Ashok Kumar

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 14.03.2019 passed in I.A.No.2 of 2019 in O.S.No.119 of 2015 by the Additional District Judge (Fast Track Court) at Villupuram.

For Petitioners : Ms.P.Kavitha Balakrishnan

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ORDER

Aggrieved over the order allowing the interlocutory application filed under Order VIII Rule I A(3) CPC for receiving the

additional documents of respondents / petitioners' side, the petitioners / plaintiffs are before this Court.

2. According to the learned counsel for the petitioners, though the defendant/respondent without showing that he was in possession and control of the documents, cannot file the above interlocutory application to receive the additional documents. The Trial Court relying on the judgment of the Hon'ble Supreme Court in **BIPIN SHANTHILAL PANJAL VS. STATE OF GUJARAT AND OTHERS [AIR 2001 SC 1158]** allowed the interlocutory application, subject to proof and relevancy. It is always open to the petitioners to object the documents, when it is taken up for marking the same. The Trial Court will consider its relevancy and admissibility and thereafter only, mark the documents. The petitioners, as of today, cannot have any grievance over receiving the documents. Therefore, I do not find any merits in this Civil Revision Petition. However, it is reiterated that the petitioners can have an opportunity to object the documents at the relevant stage.

3. In fine, the Civil Revision Petition is dismissed. No costs.

Consequently, connected civil miscellaneous petition is closed.

23.07.2019

Index : Yes/No
Internet : Yes/No
Speaking / Non speaking order
TK

To

The Additional District Judge
(Fast Track Court)
Villupuram.



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M.GOVINDARAJ, J.

TK



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