

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

C.R.P.(PD)Nos.2137 & 2147 of 2019

and

C.M.P.Nos.13775 & 13847 of 2019

C.Maheswaran

... Petitioner in both CRPs

Vs.

S.Veluchamy

... Respondent in both CRPs

Prayer: Petitions filed under Article 227 of the Constitution of India praying to set aside the fair and decretal order dated 23.04.2019 passed in I.A.Nos.15735 & 15734 of 2018 in O.S.No.899 of 2017 respectively by the learned XV Assistant City Civil Judge at Chennai.

For Petitioner : Mr.M.Boopathy

COMMON ORDER

These two revision petitions have been filed against the fair and decretal order passed in I.A.Nos.15735 & 15734 of 2018 by the learned XV Assistant City Civil Judge, Chennai, by order dated 23.04.2019.

2.The revision petitioner is the defendant before the trial Court in the suit in O.S.No.899 of 2017 and the respondent is the plaintiff.

3.In the suit, during the trial, Ex.A1, which is an unregistered agreement, has been marked through P.W.1 and in this context, it is the case of the revision petitioner/defendant that, the said unregistered document should not have been marked as it does not have any evidentiary value. Only to eschew the said document i.e., Ex.A1, the P.W.1, who has already been examined, has to be recalled and the evidence of P.W.1 through him, the Ex.A1 has already been marked, has to be eschewed.

4.The learned counsel appearing for the petitioner would submit that, the said applications filed for the aforesaid purpose, since has been dismissed, through the impugned order, as against which, the present revision petitions have been filed.

5.I have heard the learned counsel appearing for the petitioner and also considered the submissions made by him and perused the materials placed before this Court.

6. Even though Ex.A1, which has already been marked through P.W.1, is an unregistered document, by virtue of such marking, it would not have any evidentiary value, unless and until, it is having the registration, if it is compulsorily registerable document in the eye of law.

7. Even if P.W.1 is recalled and he is put into the witness box, he cannot now improve the case either for plaintiff or for the defendant and through the P.W.1, the defendant cannot improve the case any further, since the fact remains that, Ex.A1 is an unregistered document, so its evidentiary value would be taken care of only by the Court below.

8. Moreover, the revision petitioner/defendant can very well raise that issue during arguments not to accept the evidentiary value of Ex.A1, since it is not a registered one even though it is compulsorily registerable document and if such plea is raised by the defendant/revision petitioner, the same can be taken into consideration by the trial Court in the manner known to law.

9. Therefore, for the said purpose, there is no need to recall the P.W.1 and reopen his evidence.

10. In that view of the matter, this Court feels that, there is no error on the face of the record in passing the impugned orders and the said impugned orders does not attached with any perversity or unsustainability.

11. Hence, this Court is not inclined to entertain these Civil Revision Petitions and accordingly the same are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

14.10.2019

Index : Yes/No

Internet : Yes/No

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To

The XV Assistant City Civil Court,
Chennai.

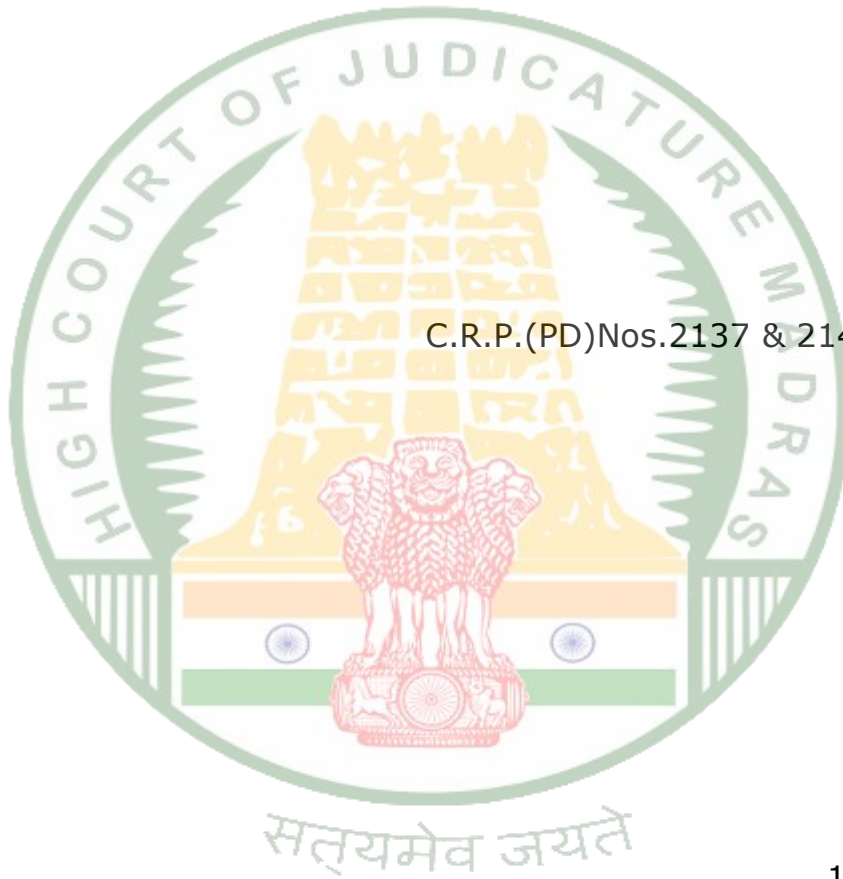


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R.SURESH KUMAR, J.

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