

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2019

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

CRP (PD)No.3363 of 2014

and

MP No.1 of 2014

S. Baskaran

Vs

... Petitioner

1.G. Kanagaraj

2. S. Titus

3. M/s.Rudra Motors Private Ltd.,

Rep. by P. Vasantha Pandi

...

Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, against the order passed in order passed in I.A. No.63 of 2013 in O.S. No.1 of 2012 before the I Additional District Judge, Thiruvallur, dated 11.04.2014.

For Petitioner : Mr.K.Balaji

For Respondents : Mr.S. Navaneethakrishnan

for R1

No appearance for RR2 and R3

ORDER

The instant Civil Revision Petition has been filed challenging the order dated 11.04.2014 passed by the first Additional District Judge, Tiruvallur in I.A. No.63 of 2013 in O.S. No.1 of 2012.

Brief facts leading to the filing of the instant Civil Revision Petition filed under Article 227 of the Constitution of India.

2. The petitioner is the plaintiff in the suit and the respondents are the defendants. The petitioner originally filed the suit O.S. No.23 of 2009 against the respondents before the Sub Court, Tiruvallur and subsequently due to the change of pecuniary jurisdiction, the suit was transferred to the file of the I Additional District Court, Tiruvallur and re-numbered as O.S. No.1 of 2012. The said suit was filed against the respondents for a) Declaration to declare that the petitioner / plaintiff is the absolute owner of the suit schedule property; b) Declaration that the alleged sale deed dated 19.04.2007 registered as document No.7848 of 2007 on the file of the Sub Registrar, Tiruvallur as null and void and c) for a permanent injunction restraining the 3rd respondent / 3rd defendant from alienating or encumbering the suit schedule property.

3. A written statement was also filed by all the respondents / defendants in the suit. Issues were also framed by the Trial Court and thereafter, trial also got commenced. In the midst of trial, I.A. No.63 of 2013 was filed by the respondents 1 and 2 seeking leave of the Court for receipt of the following documents :

a) Stamped receipt, dated 23.4.2007, allegedly executed by the petitioner / plaintiff;

b) Alleged sworn affidavit dated 15.04.2007 by the petitioner / plaintiff and duly attested by the Commissioner of Oaths and

c) Alleged letter dated 20.08.1997 sent by the petitioner / plaintiff with postal cover.

4. I.A. No.63 of 2013 was filed under Order 8 Rule 3 (A) CPC. According to the respondents, the documents mentioned above were misplaced and therefore, they could not file the same along with the written statement before framing of the issues.

5. A counter affidavit was also filed by the petitioner / plaintiff denying the allegations contained in the affidavit filed in support of I.A. No.63 of 2013. They have stated that the documents sought to be marked as Exhibits are false, forged and fabricated documents.

6. By order dated 11.04.2014, the Trial Court allowed I.A. No.63 of 2013 filed by the respondents 1 and 2 and permitted the respondents Nos.1 and 2 to file the additional documents mentioned in I.A. No.63 of 2013. However, the Trial Court has made it clear in paragraph No.28 of the impugned order that the petitioner / plaintiff has every right to object to the marking of the documents as Exhibits during the course of the trial. Aggrieved by the order dated 11.04.2014 passed in I.A. No.63 of 2013, the instant Civil Revision Petition has been filed under Article 227 of the Constitution of India.

7. Heard Mr.K. Balaji, learned counsel for the petitioner and Mr.S.Navaneethakrishnan, learned counsel for the first respondent. Despite service of notice on second and third respondents, and their name having been printed in the cause list, no one has entered appearance on their side.

8. The only objection raised by the petitioner / plaintiff for the receipt of the documents mentioned in I.A. No.63 of 2013 is that they are fabricated and forged documents and the signatures found therein is not that of the petitioner / plaintiff.

9. This Court has perused and examined the impugned order. The contention of the petitioner / plaintiff has been taken note by the Trial Court under the impugned order. The Trial Court has made it very clear that the petitioner / plaintiff has got every right to object to the marking of the documents as Exhibits during the course of trial and the relevancy and admissibility of the same will be decided in the final judgment. Therefore, the apprehension raised by the petitioner in this revision is not correct. This Court does not find any infirmity in the order passed by the Trial Court.

10. In the result, there is no merit in the Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

28.08.2019

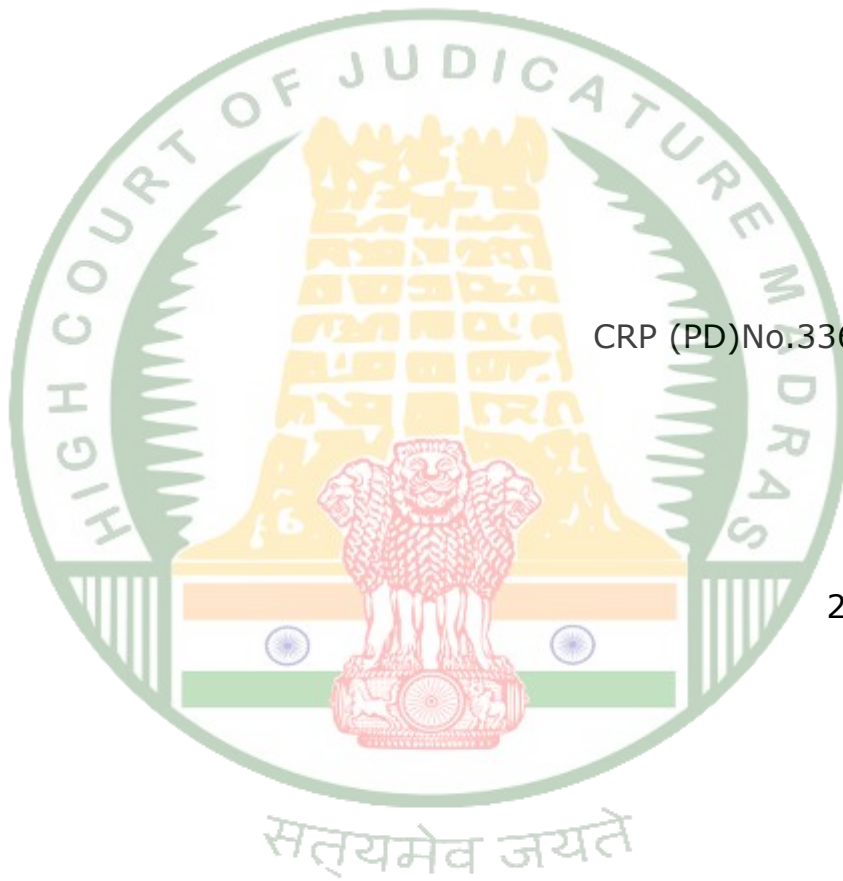
Index: Yes/ No
Internet: Yes/No
Speaking Order/Non-speaking Order
vsi2

To
The I Additional District Judge,
Thiruvallur.

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ABDUL QUDDHOSE, J.

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