

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2019

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.(PD).No.4905 of 2014
and
M.P.No.1 of 2014

K.Vijayakumar

.. Petitioner

vs.

1.M/s.Kumar Graphics,
Represented by its Proprietor,
E.Prem Kumar
2.Ramesh

.. Respondents

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India, to set aside the order and decretal order dated 27.10.2014 made in I.A.No.1322 of 2014 in O.S.No.257 of 2012 on the file of the Principal District Munsif Court, Poonamallee.

For Petitioner

: Mr.V.M.Venkatramana

For R1

: Mr.N.Nithianandan

For R2

: No Appearance

ORDER

The present Civil Revision Petition has been filed to set aside the fair and decretal order dated 27.10.2014 in I.A.No.1322 of 2014 in O.S.No.257 of 2012.

2. After filing the written statement, the petitioner had filed the I.A.No.1322 of 2014 to receive 45 additional documents. The documents viz., Sl.No.15,16,27 to 38 which were rejected by the trial court on the ground that these were photocopies and therefore, cannot be allowed to be marked as documents.

3. The petitioner has added 8 other documents viz, Exs.B.1 to B.8 as additional documents 2, 6, 3, 5, 4 apart from the above documents in the proof affidavit.

4. The learned counsel for the petitioner submits that the trial Court has ought to have granted leave to receive the documents at Nos.27 to 38 as they are mere pleadings in O.S.No.338 of 2012, O.S.No.1001 of 2013, RCOP.No.26 of 2013, R.C.O.P.No.25 of 2014; CMP.No.1912/2013 and order passed in CMP.No.1912 of 2013. Hence the impugned order passed by the trial Court is liable to be set aside. As far as documents in S.L.Nos.15 and 16 which are proof affidavit of Dilly Babu and R.Raman are concerned, he will produce these persons as witnesses.

5. The learned counsel for the petitioner submits that he has obtained certified copy of the document Nos.27 to 38 .

6. The learned counsel for the respondent submits that he has no objection for producing these documents.

7. Since the petitioner has now obtained certified copy of the documents at Sl.Nos.27 to 38, these documents can be allowed be marked subject to their proof, relevancy and admissibility. As far as documents in Sl.Nos.15 and 16 are concerned, since the petitioner seeks to produce the witness themselves, no further orders are required. No other documents shall be allowed to be marked except at the time of cross examination in accordance with law.

8. Considering the fact that since the suit is of the year 2012, the learned District Munsif, Poonamallee shall endeavour to complete the trial and pass a Judgment and decree within a period of six months from the date of receipt of this order.

9. This civil revision petition is thus allowed with the above observation.

No cost. Consequently, connected miscellaneous petition is closed.

24.04.2019

Index :Yes/No

Internet :Yes/No

kkd

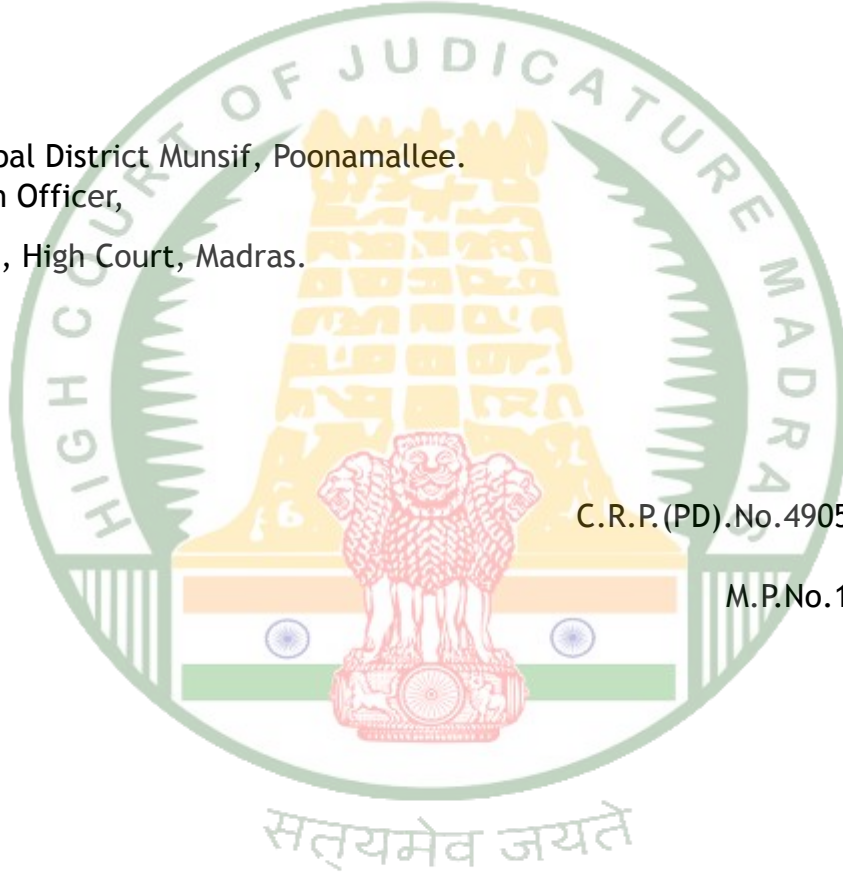
C.SARAVANAN,J.

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To

1. The Principal District Munsif, Poonamallee.
- 2.The Section Officer,

V.R.Section, High Court, Madras.



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and
M.P.No.1 of 2014

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