



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2019

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.R.P. (PD) (MD) .No.365 of 2018

and

C.M.P. (MD) .No.1642 of 2018

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1.N.Chandrasekaran
2.R.Devaki
3.V.Lakshmi Praba
4.S.Revathi

... Petitioners/ 1 to 4 Petitioners /
1 to 4 Plaintiffs

Vs.

1.D.Ganesan
2.S.Meerabai
3.N.Visalatha
4.S.Giridaran
5.S.Gowthaman
6.T.Anusiya
7.T.Raghavan
8.S.Jalaja
9.S.Muralitharan
10.R.Vanaja ...1 to 10 Respondents/Respondents/Defendants
11.R.Malathy ... 11th Respondent/5th Petitioner/5th Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 16.12.2017 passed in I.A.No.104 of 2017 in O.S.No.23 of 2016 on the file of the I Additional District Court, Tuticorin.

For Petitioners : Mr.D.Nallathambi
For R3 to R5 & R7 : Mr.B.N.Raja Mohamed

O R D E R

The Civil Revision Petition has been filed challenging the order passed by the I Additional District Court, Tuticorin in I.A.No.104 of 2017 in O.S.No.23 of 2016, dated 16.12.2017.

2. The application in I.A.No.104 of 2017 was filed to mark 9 documents mentioned therein. But the Court below permitted to receive only 4 documents and mark the said documents. However, in respect of the balance five documents, the Court below rejected to receive the same stating that these documents are only the Xerox copies and the originals of the same are not produced by the revision petitioners before the Court below.

3. It is the contention of the revision petitioners that document Nos.1, 2, 3, 5 & 6 are relating to medical bills and medical records, and the same may be marked. If the same are



permitted to receive and mark, the Court can decide the validity of the documents subject to the relevance and proof, at the time of passing the final decree. Further, the revision petitioners contended that there is no impediment for the Court below in accepting these documents subject to the relevance and proof.

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4. The learned counsel appearing for the respondents 3, 4, 5 and 7 would submit that he has no objection to mark the documents subject to the relevance and proof and if they are permitted to make their objection, while the revision petitioners marking those documents. In respect of the other respondents, learned counsel for the respondents 3, 4, 5 and 7 would submit that some of the counsel appeared in C.M.A.(MD).No.1209 of 2018, however, they have not appeared in the present revision petition.

5. Considering the submissions made by the learned counsel for the revision petitioners and the learned counsel for the respondents, this Court is of the view that no doubt the documents filed by the revision petitioners are the photo copy of the medical bills and those documents are filed only to show that at the relevant point of time, the revision petitioners were admitted in the hospital. All these aspects can be considered by the Court below in the suit at the time of final hearing. In the mean time, there is no impediment for the Court below in allowing the revision petitioners to mark the remaining photo copy of the medical bills along with the discharge summary. Therefore, the order passed by the Court below to the extent of rejecting to receive the document Nos.1, 2, 3, 5 & 6 filed by the revision petitioners is set aside and the revision petitioners are permitted to file the above five documents and also mark the same subject to the relevance and proof and in such case, the respondents are permitted to make their objections and the Court below shall record the same and decide those submissions, at the time of final hearing of the suit.

6. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

akv

<https://hcservices.ecourts.gov.in/hcservices/>



To

The I Additional District Judge,
Tuticorin.

WEB COPY
+4cc Mr.D.NALLATHAMBI ,Advocate, SR.No. 93044

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