



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 19.11.2019**

**CORAM**

**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

**C.R.P. (MD) .No.1960 of 2015**

**and**

**M.P. (MD) .No.1 of 2015**

WEB COPY

Selvaraj

... Petitioner/Respondent/  
/Respondent

Vs.

1.Ravichandran

2.Family Manager Amudha

3.Jeyaraman

... Respondents/  
Petitioners/Appellants

**PRAYER:** Civil Revision Petition is filed under Section 115 of Civil Procedure Code, against the fair and decreetal order dated 10.08.2015 in I.A.No.135 of 2013 in A.S.No.96 of 2010 on the file of the Ist Additional Sub Court, Trichy.

For Petitioner : Mr.K.Govindarajan

Respondents : Mr.R.Sundar

**O R D E R**

The Civil Revision Petition has been filed against the order, dated 10.08.2015 passed in I.A.No.135 of 2013 in A.S.No.96 of 2010 by the Ist Additional Sub Court, Trichy.

2.The respondent herein had filed I.A.No.135 of 2013 for receiving certain documents as additional evidence. After hearing the matter on merits, the Court below allowed the said I.A. Against which, the revision petitioner/defendant is before this Court.

3.The learned counsel appearing for the revision petitioner has referred the judgment dated 28.04.2015 passed by this Court in S.A.No.653 of 2014, wherein it was held that while setting aside the decree passed by the lower Appellate Court in A.S.No.96 of 2010, the appeal has got to be remitted back to the lower Appellate Court to pass a separate order in the application filed under Order 41 Rule 27 C.P.C., and follow the procedure contemplated under Rule 28 C.P.C, for recording of additional evidence, in case, the lower Appellate Court decides to allow the said application. Thereafter, an opportunity should be given to the parties to advance arguments and then the appeal shall be decided on merits. In view of the findings of this Court in the above said Second Appeal, the order of the Court below may be confirmed and the parties may be directed to approach the Court below for getting appropriate orders.



4.The learned counsel appearing for the respondent has no objection for the aforesaid submission.

5.Considering the submission made by both sides and in view of the order passed in the Second Appeal, this Court do not find any error in the order passed by the Court below. Therefore, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous petition is closed.

6.Since the appeal suit in A.S.No.96 of 2010, is pending from the year 2010, this Court directs the Court below to dispose of the same, within a period of four months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To  
The Ist Additional Sub Judge,  
Trichy.

+1 CC to M/s.R.SUNDAR, Advocate ( SR-99436[F] dated 19/11/2019 )

+1 CC to M/s.K. GOVINDARAJAN, Advocate ( SR-99826[F] dated 20/11/2019 )

**C.R.P. (MD) .No.1960 of 2015**

**and**

**M.P. (MD) .No.1 of 2015**

**19.11.2019**

KK/SAR/17.12.2019/2P-4C/