

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.R.P.No.3170 of 2018
and
C.M.P.No.18120 of 2018

1.N. Shanmugam

2.S. Ranjith

.. Petitioners

Vs.

1.The State of Tamil Nadu
Represented by
The District Collector,
Tirupur District.

2.The District Chief Educational Officer,
Tirupur Town,
Tirupur District.

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 19.07.2018 made in I.A.No.587 of 2018 in O.S.No.54 of 2013 on the file of the Court of District Munsif, Avinashi by allowing this Civil Revision Petition.

For Petitioners : Mr. C.E. Pratab

For Respondents : Mr.Y.T. Aravind Gosh,
Government Advocate

O R D E R

The plaintiffs in O.S.No.54/2013 whose application for rejection of a document namely a settlement deed dated 04.04.1995 marked as Ex.B.12, the said suit have come up with the civil revision petition.

2. The suit in O.S.No.54/2013 has been laid by the petitioners herein seeking declaration and consequential

permanent injunction. It is being resisted by the defendant contending that the suit property belongs to the Government and a Government School is functioning in the suit property for over 25 years.

3. While recording of evidence was in progress, a document purporting to a settlement deed dated 04.04.1995 was sought to be marked by the defendants. This was objected to by the plaintiffs contending that the said documents being an unstamped and unregistered instrument ought not to be received in evidence. The trial Court, however, marked the documents subject to objection. It is at this stage, the plaintiffs preferred an application in I.A.No.587/2018, seeking rejection of the document.

4. The trial Court upon a consideration of the pleadings and the law relating to admissibility of documents concluded that the document has been marked only subject to objection and it is open to the plaintiffs to argue on the admissibility of the documents in the suit. On the said conclusion, the trial Court dismissed the application. Aggrieved, the plaintiffs have come up with this civil revision petition.

5. I have heard, Mr. C.E. Pratab, learned counsel appearing for the petitioners and Mr. Y.T. Aravind Gosh, learned Government Advocate appearing for the respondents.

6. Mr. C.E. Pratab, learned counsel would vehemently contend that the trial Court ought not to have admitted a document which is admittedly, insufficiently stamped and unregistered. Such a document cannot be received in evidence at all according to the learned counsel.

7. I have considered the submissions of the learned counsel for the petitioners. It is seen from the records that that trial Court has not admitted the documents without any reservation. The trial Court has admitted the document subject to objection. The trial Court has also in its order impugned in the revision very clearly stated that any objections relating to the admissibility of the document can be raised at the trial and the same will be decided in accordance with law. Therefore, I do not see any prejudice that will be caused to the petitioners by admission of the document subject to objection. I do not find any material irregularity in the order of the Court below in order to enable me to interfere with the same at this stage.

8. Hence, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. It is open to the petitioners, to raise all objections relating to admissibility of the document at the time of final

hearing of the suit. It is stated that the suit has now been transferred to the District Munsif's Court, Avinashi. Considering the fact that the suit is of the year 2007, there will be a direction to the trial Court to dispose off the suit, within a period of six months from the date of resumption of normal physical hearings.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

1.The District Collector,
State of Tamil Nadu,
Tirupur District.

2.The District Chief Educational Officer,
Tirupur Town,
Tirupur District.

3.The District Munsif, Avinashi.

+1cc to The Government Pleader, sr no.25384

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RLD(CO)
RMP(01/09/2020)