

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

**C.R.P(PD).No.254 of 2021
and C.M.P.No.2443 of 2021**

1.Marayal
2.G.R.Thangaraj
3.P.Rajan

...Petitioners

Vs

P.P.Ramanandam

...Respondent

Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.01.2021 made in I.A.No.10 of 2020 in O.S.No.61 of 2015 on the file of the Sub Court, Gobichettipalayam.

For Petitioners : Mr.B.Vijay

For Respondent : Mr.A.Veerasamy

ORDER

The revision petition has been filed by the defendants in O.S.No.61 of 2015 which is now pending before the Sub Court, Gobichettipalayam.

2.The defendants filed I.A.No.10 of 2020 under Rule 75 of Civil Rules of Practice calling upon the jurisdictional Sub Registrar to produce the registered documents to be compared with Exhibits D114 and D155 which had already been marked in the Court. The learned Judge had examined the said application and in the course of his order, the learned Judge had stated that the documents were marked with objections raised on behalf of the plaintiff. The learned Judge had in the course of his order also stated that if necessity requires, the Court can call for the documents and compare the signatures. The parties had let in evidence. They had submitted whatever documents they had, before the Court and the documents were also tested during cross examination. The documents which have been declared to be admissible and are relevant and have been proved in the manner known to law will have to be considered now by the learned Judge while analysing the evidence. During the analysis of evidence, every Court has wide powers as

given in the Civil Rules of Practice to call for the document not only from any authority or any Government Department but also from any other Court and examine the records.

3.I am confident that the learned Sub Judge, Gopichettipalayam who will have to give a finding with respect to Exhibits D114 and D115, will adopt the procedure known to law while deciding on its admissibility, relevancy and whether the documents had been proved in manner known to law and more particularly, while deciding about the genuinity of the signature which are appended therein. The course open to the learned Judge is wide and the learned Judge can take any of the procedures as stated in the law. It had been correctly observed that the present application is not necessary and the learned Judge has dismissed the said application.

4.I do not find any error in the order. I am also informed by the learned counsel for the respondent that in an allied Civil Revision Petition, direction had been given to the learned Judge to dispose of the suit within August 2021. I would fervently request the parties herein to participate in

the trial and to co-operate during the trial and ensure that the said order is complied with, since any direction to the Court to complete the trial within any specified period is also a direction not only to the Court but also to the plaintiff, to the defendant, to the learned counsel for the plaintiff and to the learned counsel for the defendant who have to respect the said order and co-operate and ensure that the matter is completed within the stipulated period.

5. With the said observations, the Civil Revision Petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed. The parties are relegated back to the Trial Court.

16.04.2021

cse

Index: Yes/No

Internet: Yes/No

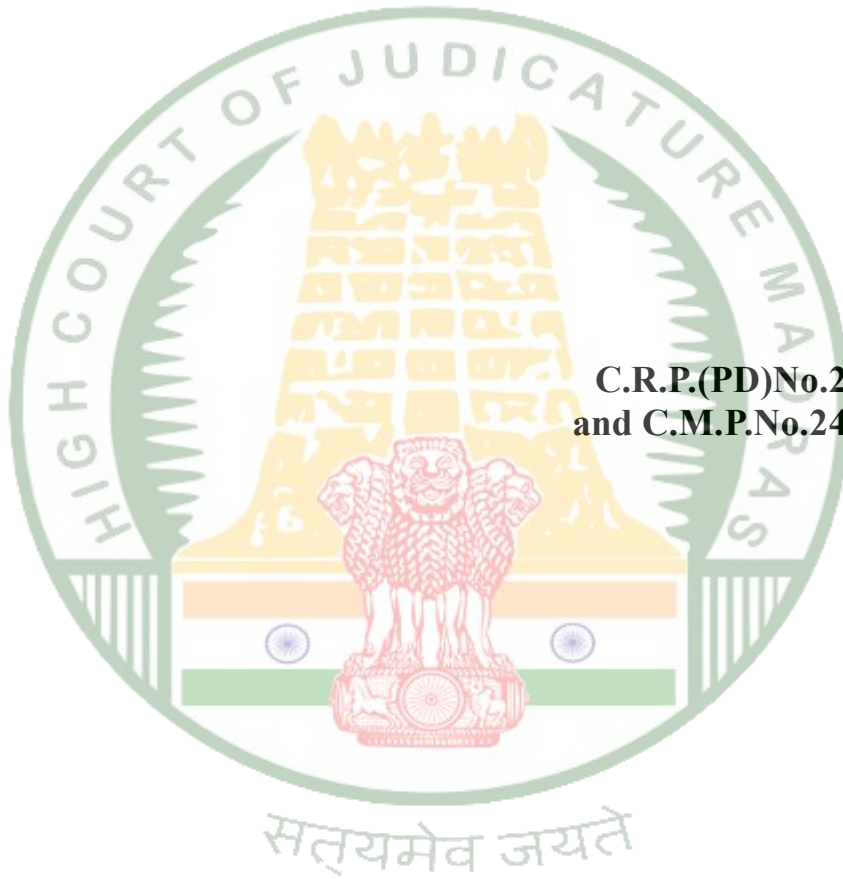
Note: The Registry is directed to upload this order on 17.04.2021.

To

The Sub Judge,
Gopichettipalayam.

C.V.KARTHIKEYAN, J,

cse



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