



C.R.P.No.742 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

C.R.P.(PD).No.742 of 2019

and

C.M.P.No.4810 of 2019

K.G.Lakshmidevi

.. Petitioner

Versus

1.Dhanraj N.Kochar

2.Inderehand D.Kochar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to direct the learned District Munsif Court, Thiruvottiyur to take the petition, dated 24.01.2019 filed by the petitioner in I.A.Sr.No.311 of 2019 in O.S.No.45 of 2006, on the file of the learned District Munsif Court, Thiruvottiyur.

For Petitioner : Mr.R.Munuswamy

For Respondents : Mr.G.Rajkumar



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ORDER

WEB COPY The petitioner is challenging the order dated 24.01.2019 passed by the learned District Munsif, Thiruvottiyur in I.A.Sr.No.311 of 2019 in O.S.No.45 of 2006.

2. Heard Mr.R.Munuswamy, learned counsel for the petitioner and Mr.G.Rajkumar, learned counsel appearing on behalf of the respondents.

3. The revision petitioner herein is the plaintiff in the suit in O.S.No.45 of 2006, on the file of the District Munsif Court, Thiruvottiyur and he has preferred this revision against the order passed by the learned trial Judge in I.A.Sr.No.311 of 2019, which was filed by him praying to recall the order passed in I.A.No.1455 of 2018, which was filed by the respondents herein to receive the additional documents.

4. The contention of the revision petitioner is that, without hearing on his side, the trial Court simply allowed the application and permitted the defendants to produce those documents and also concluded that it is only a



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formal application to receive the documents and the same was allowed subject to proof and relevancy of the documents. He further submitted that he has an opportunity to submit his objection to receive the documents, eventhough it is subject to proof and relevancy at the time of the trial.

5. The learned counsel for the respondents/defendants submitted that the trial Court has given liberty to the revision petitioner / plaintiff to submit his objections, if any, to those documents during the trial, but the plaintiff dragged on the proceedings. hence the respondents/defendants prayed to dismiss the petition, as being no merits.

6. On considering both side submissions and on a perusal of the records, it reveals that the defendants have filed an application to receive four additional documents, but, before filing that application, he filed another application to receive the additional document in I.A.No.1455 of 2018, and the same was allowed by the trial Court after hearing both sides.



7. But while allowing the application in I.A.No.1455 of 2018, the same learned trial Judge was not inclined to give a chance to the plaintiff to submit his objections to receive those documents.

8. It is true that the parties concerned to the proceedings are entitled to raise their objections at the time of the trial while marking the documents. If an interim application is filed, liberty should be given to the other side to submit their objections with regard to the facts stated in the application in I.A.No.1455 of 2018. The defendants filed an application to receive the additional documents, which are all objected by the plaintiff, and therefore, opportunity should be given to him to file his objections. Hence, the learned trial Judge, without considering those aspects, erroneously dismissed the petition at SR stage itself, which is unsustainable one.

9. Therefore, the order passed by the learned trial Judge at SR stage itself is set aside and the trial Court is directed to take the petition in I.A.SR.No311 of 2019 on file and dispose of the petition on merits and also directed to give a chance to submit objection in the I.A.No.1455 of 2018.



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WEB COPY 10. Accordingly, the Civil Revision Petition is allowed. Since the O.S. is of the year 2006, the trial Court is directed to dispose of the suit also within a period of six months from the date of receipt of a copy of this order, as per law. Consequently, connected Miscellaneous petition is closed. No costs.

11. It is stated that at present, the suit in O.S.No.45 of 2006 is re-numbered as O.S.No.84 of 2020. The District Munsiff – cum – Judicial Magistrate, Madhavaram, is directed to send the bundle O.S.No.84 of 2020, to the file of the trial Court. After receipt of the said original suit, the trial Court is directed to dispose of the suit as per law, within the time limit mentioned above.

22.10.2021

Index : Yes / No
Speaking Order: Yes/No

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T.V.THAMILSELVI, J.

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To

- 1.The District Munsif,
Thiruvottiyur.
- 2.The District Munsiff – cum – Judicial Magistrate,
Madhavaram,
- 3.The Section Officer,
V.R.Section, High Court of Madras.

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