

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P. (NPD) No.861 of 2021

and

C.M.P.No.7083 of 2021

Rajeswari

.. Petitioner / Petitioner / Defendant

Vs

R.Saravanan

.. Respondent/Respondent/Plaintiff

Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records pertaining to fair and decreetal order dated 22.01.2021 passed in I.A.No.1 of 2020 in O.S.No.363 of 2019 on the file of Hon'ble Principal District Judge, Salem, and set aside the same.

For Petitioner

..

Mr.S.Pushpakaran

For Respondent

..

No appearance

ORDER

The defendant in O.S.No.363 of 2019 had been filed I.A.No.1 of 2020 under Order VIII Rule 1 of CPC seeking permission to produce further documents. This application came up for consideration before the Principal District Munsif, Salem on 22.01.2021 and the learned Judge had dismissed the said application. Among the reasons given, was that document No.1 which is the legal notice had actually been issued subsequent to institute of the suit and document No.2 is an online copy and document Nos.3 to 5 are xerox copies.

2.Heard Mr.S.Pushpakaran, learned counsel for the petitioner / defendant in the suit.

3.The learned counsel took this Court through the written statement filed. In paragraph 5 of the written statement, it had been stated that the plaintiff had received the said documents from the defendant and only after that had given a loan of Rs.12,00,000/-. These are documents which the defendant now wants to produce as additional documents. Since the defendant had stated it is as a fact in the written statement, he could very well be that during the cross-examination of the plaintiff and confront the plaintiff with the documents.

4.The documents should however be admissible and relevant.

It is also be kept in mind that primarily the documents have to be produced during the course of trial. Therefore, I find no reason to interfere with the order of the learned Principal District Judge, Salem passed in the Interlocutory Application which is now subject matter of this Revision Petition.

5.However, as stated since trial has not commenced the petitioner herein / defendant in suit can take advantage of the fact that he had already mentioned about handing over documents in the written statement and may if so advised confront the plaintiff with such statement.

6.In view of the above observations, the Civil Revision Petition is dismissed. No order as to costs.

Internet:Yes/No
Index:Yes/No
smv

To
The Principal District Court,
Salem.

17.04.2021

C.V.KARTHIKEYAN,J.

WEB COPY



C.R.P.(NPD) No.861 of 2021

WEB COPY

17.04.2021