

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.3579 of 2016
and C.M.P.No.18281 of 2016

1. Ramachandra Educational Trust,
Rep. by its Trustees,
i. R.Radha, Founder
ii. B.Ramachandran,
Managing Trustee
iii. B.Indirani, Trustree
Bangur, Ariyur Revenue Village,
Pondy - Villupuram Main Road,
Pondicherry - 605 102.
2. Sri Venkateswara Medical College
and Research Foundation,
Rep. by its Chairman,
Villupuram Main Road,
Ariyur, Pondicherry - 605 102.

... Petitioners

Vs.

S.Natarajan

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 21.03.2016 made in I.A.No.88 of 2014 in O.S.No.1307 of 2006 on the file of the Principal District Munsif, Puducherry.

For Petitioners : Mr.D.Ravichander

For Respondent : No appearance

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 21.03.2016 passed by the learned Principal District Munsif, Puducherry in I.A.No.88 of 2014 in O.S.No.1307 of 2006, thereby dismissing the petition filed by the petitioners to receive the documents as evidence and to be marked as exhibits on the petitioners' side.

2. The petitioners are the defendants 1 & 2 in the suit filed by the respondent herein for permanent injunction and mandatory injunction to return all the original certificate of the respondent herein in the custody of the second petitioner herein. The petitioners filed written statement stating that the petitioners trust has applied for MCI's approval to start the college and the approval is awaited. The necessary papers for approval have already been submitted and the MCI committee has also inspected and the college is expected to function from the academic year 2007-08. Therefore, the petitioners could not be able to produce the documents at the time of filing

the written statement. After filing the written statement those documents came to the custody of the petitioners. Therefore, the petitioners filed petition to receive the documents in evidence. The Court below dismissed the said petition for the reason that the original documents are not filed and only attested photo copy of the documents filed along with petition. Further observed that when the original documents as mentioned in the list of documents were under the custody of the petitioners, they cannot file the Xerox copy of the documents to mark as evidence.

3. The learned counsel appearing for the petitioners would submit that the original documents are very much available with the petitioners and they are ready to produce all the original documents whenever is necessary. He also relied upon the judgment reported in **2010 (3) CTC 761** in the case of **K.Veerabadran and anr Vs. K.Venugopal and ors** as follows:-

"The issue of admissibility and the evidentiary value of the document was considered by the learned Trial Judge during the time of examination of D.W.-1 and at the time of marking the said document as an exhibit. It is true that the

document as a whole has to be considered for the purpose of deciding the nature of the document. Mere nomenclature is not the deciding factor for determining the true nature of a document. Court has to look into the entire text of the document and must come to a definite finding about the admissibility of an unregistered family arrangement."

4. It is well settled legal position that admissibility as well as the evidentiary value of the documents have to be decided by the trial Court only at the time of marking the document as an evidence. Therefore, the above judgment cited by the learned counsel appearing for the petitioners squarely applicable to the case on hand. Further the learned counsel appearing for the petitioners also submitted that the petitioners are ready to produce the original document itself, while marking the same.

5. In view of the above discussions, the order dated 21.03.2016 passed by the learned Principal District Munsif, Puducherry in I.A.No.88 of 2014 in O.S.No.1307 of 2006, is hereby set aside. The petitioners are

directed to produce the original documents which are intended to produce before the trial Court for marking those documents and after marking those documents, the trial Court is directed to complete the trial within a period of three months from the date of receipt of copy of this Order.

6. With the above directions, this Civil Revision Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous is closed.

18.01.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

To

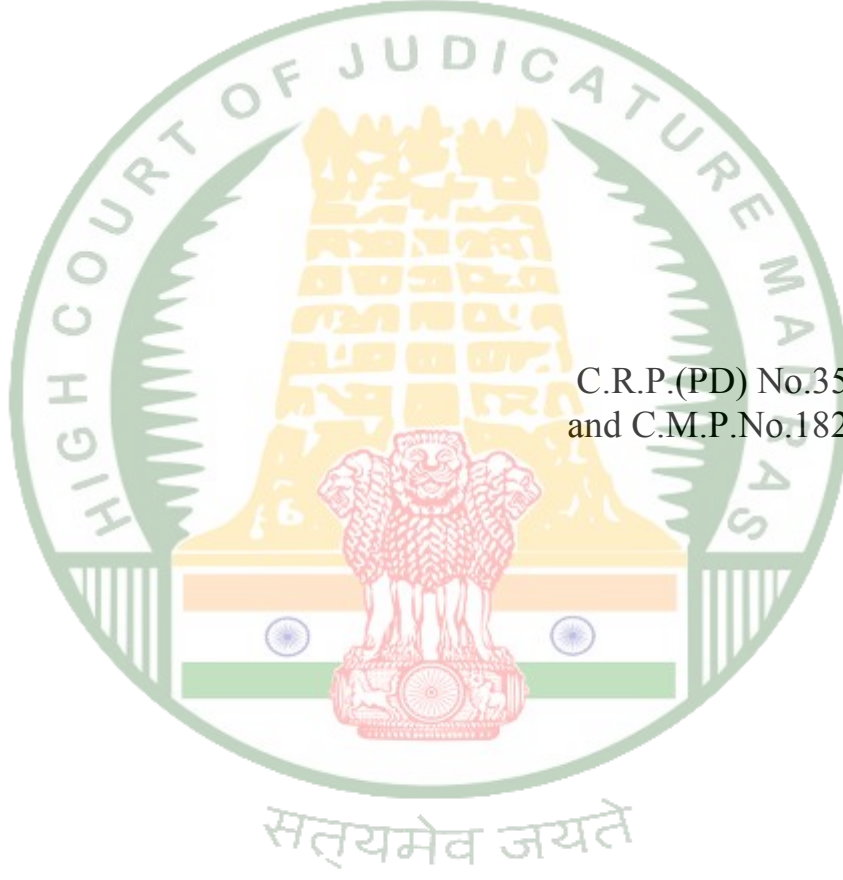
1. The Principal District Munsif,
Puducherry.

2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

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G.K.ILANTHIRAIYAN, J.

rts



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