

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD).No.475 of 2018
and C.M.P.No.2506 of 2018

K.Anbalagan

... Petitioner

Vs

P.Rooparaj

... Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 29.08.2017 made in I.A.No.168 of 2017 in O.S.No.148 of 2016 on the file of learned III Additional District Judge, Thiruvallur at Poonamallee.

For Petitioner : Mr.C.B.Santhosh Kumar

For Respondent : Mr.V.Lakshminarayanan

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order dated 29.08.2017 made in I.A.No.168 of 2017 in O.S.No.148 of 2016 on the file of learned III Additional District Judge, Thiruvallur at Poonamallee, thereby allowing the petition to receive the documents as evidence on the side of the petitioner.

2. The petitioner is the defendant and the respondent is the plaintiff in the suit. The respondent filed a suit for specific performance. While pending the suit, the respondent filed a petition to receive the documents as follows:

1. By Canara Bank in favour of the Plaintiff dated 09.10.2005 (Deposit Receipt Xerox).

2. By State Bank of India in favour of the plaintiff dated 04.11.2008 (Deposit Receipt Xerox).

3. By Bank of Baroda in favour of the plaintiff dated 09.11.2006 (Deposit Receipt Xerox).

3. The only contention raised by the petitioner is that the petition to receive the documents was filed without any condone delay petition in producing the documents and also failed to state any of the reason.

4. On perusal of the affidavit filed in support of the petition revealed that the respondent due to his inconvenience he omitted to file this documents with plaint. The documents which are sought to be filed are nothing but the deposit receipts. Therefore, no prejudice would be caused to the petitioner and the trial Court has rightly allowed the petition and this Court finds no infirmity or irregularity in the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No order as to costs.

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19.04.2021

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

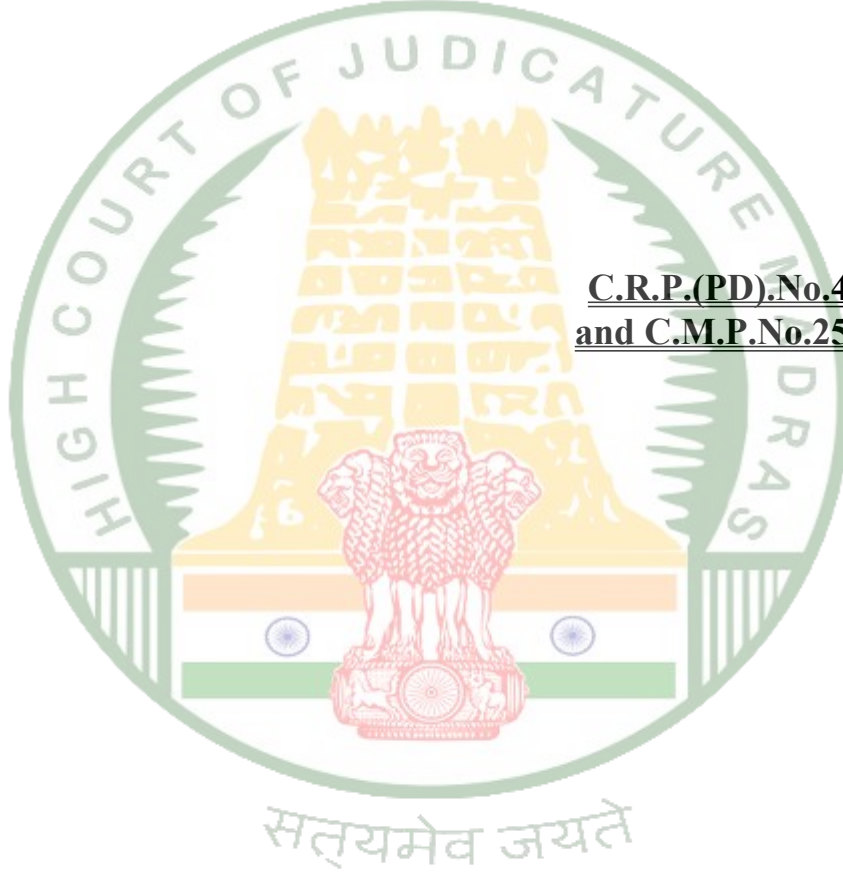
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G.K.ILANTHIRAIYAN. J.

rna

To

The III Additional District Judge,
Thiruvallur at Poonamallee.



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