

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**CRP (PD).No.3591 of 2018
and
C.M.P.No.20080 of 2018**

A.L.Arumugam Petitioner

Vs.

1. D.Parasurama Reddy
- D.Rajendran (deceased)
- D.Sampath (deceased)
2. D.Venu
3. A.Antony Ruboss
4. Xavier Joseph
5. R.Kuzaandai Kani
6. Vijayalakshmi
7. S.Nirmal
8. S.Nichala
9. B.Dhanalakshmi
10. K.Sudha
11. R.Deepa

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to admit and allow this Civil Revision Petition by set aside the fair and decretal order dated 06.08.2018 made in I.A.No.3558 of 2018 in O.S.No.3672 of 2011 on the file of the VIII Assistant Judge (FAC) V Assistant Court, City Civil Court, Chennai.

For Petitioner : Mr.K.Sellathurai

For Respondents : Mr.S.Sadasharam (for R-1)
: Notice Served
No Appearance (for R-2 to R-9)
: Not Ready in Notice
No Appearance (for R-10 to R12)

ORDER

This Civil Revision Petition is filed against the fair and decretal order passed in I.A.No.3558 of 2018 in O.S.No.3672 of 2011 dated 06.08.2018 on the file of the VIII Assistant Judge (FAC) V Assistant Court, City Civil Court, Chennai, thereby allowing the petition to mark the documents which were already marked in I.A.No.7073 of 2011.

2. The petitioner is the seventh defendant and the first respondent is the plaintiff. The first respondent filed a suit for recovery of possession in respect of the suit property. While pending the suit, the first respondent sought to mark certain documents which were already marked in the suit in I.A.No.7073 of 2011. Therefore, the first respondent filed a petition seeking leave to file the documents which were already marked in I.A.No.7073 of 2011. The documents which were sought to be marked as follows:-

- “i) Certified copy of the sale deed bearing document No.22 of 1992 dated 30.12.1991 may be marked as Ex.A-5.*
- ii) Certified copy of the sale deed bearing document No.29 of 1992 dated 30.12.1991 may be marked as Ex.A-6.*
- iii) Certified copy of the sale deed bearing document No.236 of 1992 dated 27.01.1992 may be marked as Ex.A-7.*
- iv) Certified copy of sale deed bearing document No.466 of 1992 dated 14.01.1992 may be marked as Ex.A-8.*
- v) Patta dated 21.03.2002 may be marked as Ex.A-9.*
- vi) Report of the Advocate Commissioner with a sketch dated 07.11.2009 may be marked as Ex.A-10.*
- vii) Layout Sketch may be marked as Ex.A-11.*
- viii) FM Sketch may be marked as Ex.A-12.”*

The said petition was allowed and aggrieved by the same, the present Civil Revision Petition is filed.

3. The learned counsel for the petitioner submitted that the petitioner has no objection in respect of the document Nos.1 to 5. Insofar as the document Nos.6 to 8 are concerned these are Xerox copies of the Advocate Commissioner's report, in which the first respondent is not a party and the

Layout Sketch and FM Sketch also are Xerox copies.

4. It is seen that those documents were already marked in I.A.No.7073 of 2011 and also on a perusal of the plaint, it reveals that the first respondent categorically averred about the Advocate Commissioner's report in O.S.No.207 of 2004, in which the defendants 4 to 6 in the present suit are the parties to the said suit. Therefore, the Court below rightly allowed the petition and this Court finds no infirmity or illegality in the order passed by the Court below.

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

29.07.2021

Speaking/Non-speaking order

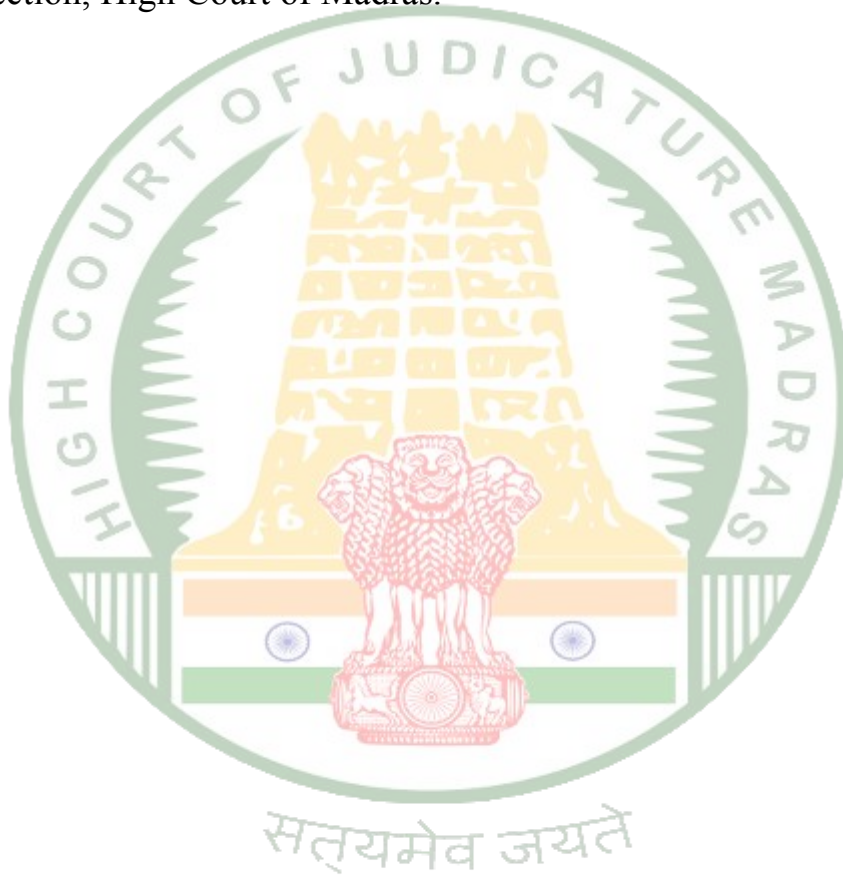
Index : Yes/No

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To

1. The III Assistant Judge (FAC) V Assistant Court,
City Civil Court, Chennai,
2. The Section Officer,
V.R. Section, High Court of Madras.



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G.K.ILANTHIRAIYAN,J.

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