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CRP. No.2777 of 2019

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2022

CORAM:

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

CRP. No.2777 of 2019

1.G.Babu

...Petitioner

Vs.

1.R.Ganesh
2.Deepa
3.Dhanalakshmi

PRAYER: This Civil Revision Petition is filed under Article 227 of Constitution of India praying to set aside the fair and decreetal order dated 24.07.2019 made in I.A No. 03 of 2019 in O.S No. 820 of 2018 on the file of the IV Assistant Judge City Civil Court, Chennai by allowing this Civil Revision Petition.

For Petitioner	: Mr.R.Marudhachalamurthy
For R2	: Not appeared
For R1 & R3	: Unclaimed



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ORDER

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This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 24.07.2019 made in I.A No. 03 of 2019 in O.S No. 820 of 2018 on the file of the IV Assistant Judge City Civil Court, Chennai by allowing this Civil Revision Petition.

2. Challenging the order passed in I.A No. 3 of 2019 in O.S No. 820 of 2018 the plaintiff in suit preferred this Civil Revision Petition.

3. The plaintiff filed a suit in O.S No. 820 of 2018 on the file of the IV Assistant City Civil Court, Chennai, for the relief of declaration and other consequential relief. The defendants contested the suit, during the pendency of the proceedings the defendants filed I.A 53 of 2019 praying to receive the additional documents namely partition deed of the year 1989, Advocate Commissioner Letter, Notice of the Advocate Commissioner Letter, Petition and order in I.A No. 2113 of 2018, report of advocate commissioner and rough sketch and the application was allowed by the Trial Court. Aggrieved over the same the plaintiff preferred this Civil Revision petition.

4. The learned counsel for the petitioner submitted that the Trial Court passed non speaking order without giving opportunity to the petitioner



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submit his objection in respect of those documents related with the application and granted order in favour of the defendant as such is erroneous prayed to set aside the same and There is no representation on the side of the defendant.

5. On perusal of records, it reveals that the defendants want to produce the partition deed of the year 1989, Advocate Commissioner Letter, Notice of the Advocate Commissioner Letter, Petition and order in I.A No. 2113 of 2018, report of advocate commissioner and rough sketch, which are the document connected with the Court Commissioner the Court can receive it with subject to proof and relevancy. Hence, This court is of the view that the petitioner may raise his objection at the time of marking of the documents and order passed by the Trial Court in I.A No.03 of 2019 in O.S No. 820 of 2018 is maintainable accordingly this Civil Revision Petition is dismissed. No costs.

10.11.2022

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To

1. The Registrar Court (Small Causes Court) Chennai.

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T.V.THAMILSELVI,J.

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