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C.R.P.No.3748 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3748 of 2022

and

C.M.P.No.19795 of 2022

1.R.Sivadoss

2.Vijayalakshmi

... Petitioners

Vs.

K.D.Udyarani

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to set aside the order and decretal order dated 29.09.2022 passed in M.P.No.28 of 2021 in R.C.O.P.No.12 of 2017 by the District Munsif Court, Ambattur.

For Petitioner : M/s.V.Manisekaran

For Respondents : No Appearance

ORDER

This Civil Revision Petition is filed by the revision petitioners challenging the order passed by the Court below dismissing the petition to eschew Ex.P.6 marked



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through P.W.2.

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2. The respondent herein filed rent control eviction petition on the grounds of owners petition and sub letting against the petitioners. The said eviction petition was contested by the petitioner by filing the counter by raising various points. At the time of the enquiry, the respondent examined one D.Satheeswaran as P.W.2 and through him marked a document filed as memorandum of understanding allegedly entered into between P.W.2 and the first petitioner herein. The xerox copy of the said document was marked through P.W.2 as Ex.P.6. Aggrieved by the marking of the said document, the petitioner herein filed a petition in M.P.No.28 of 2021 seeking to eschew the said document on the ground that xerox copy of alleged memorandum of understanding is per se inadmissible as the respondent failed to comply with the provisions of Section 65 (a) and (b) of the Indian Evidence Act.

3. It is pertinent to note when document was tendered in evidence, the petitioner herein failed to object to the marking of the document. Therefore, it is not open to him to raise any objection with regard to the sufficiency of the proof of the said document. As far as the contention that the document is per se inadmissible in evidence is concerned, it is always open to the revision petitioner to object to the



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marking of the document on the ground that documents is per se inadmissible in evidence at the time of final hearings. With this clarification, this Civil Revision Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

24.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
jai

To

1. The District Court,
Ambattur.



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S.SOUNTHAR, J.

jai

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