



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P(PD) (MD) .Nos.838 and 839 of 2018

and

C.M.P(MD)No.3695 of 2018

1.Seshan
2.Krishnan
3.Narayanan

... Revision Petitioners/Plaintiffs
in both CRPs

Vs.

1.S.Sadasharam
2.Murugan
3.Arms-A Division of Arcil
A Division of Asset Reconstruction Company
(India) Ltd.,
Through its Authorized Signatory,
D.No.1, 2nd Floor, Ceebros Centre,
Monttieth Road, Egmore,
Chennai.

...Respondents/Defendants
in both CRPs

COMMON PRAYER : These Civil Revision Petitions are filed under Section 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.Nos.76 and 77 of 2018 in O.S.No.35 of 2013 on the file of the Principal Sub Judge, Tirunelveli, dated 26.02.2018.

For Petitioners : Mr.T.Selvan in both CRPs
For Respondents : Mr.R.Pandivel for R3 in both CRPs.
R1& R2 Dispense with

COMMON ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order passed in I.A.Nos.76 and 77 of 2018 in O.S.No.35 of 2013 on the file of the learned Principal Sub Judge, Tirunelveli, dated 26.02.2018.

2.I.A.No.76 of 2018 was filed by the revision petitioners/plaintiffs, to re-call of PW1 for the purpose of marking some documents filed and I.A.No.77 of 2018 was filed to receive the judgment and decree in O.S.No.35 of 2013, which were dismissed by the learned Principal Sub Judge, Tirunelveli. Aggrieved by the said order, the revision petitioners filed this Civil Revision Petition.



3.A perusal of records shows that I.A.No.77 of 2018 was dismissed on the ground that the previous suit in between the inter parties, only examination of PW1 was over. At this stage, the revision petitioners/plaintiffs have filed the petitions to receive the documents, which is only a judgment and decree. The question of whether it can be relied in the present suit or not, can be decided after trial. Marking of judgment and decree cannot be objected by the respondents/defendants and the relevancy to be decided at the time of judgment. Hence, the respondents/defendants may raise all their objections at the time of cross-examination of PW1.

4.With the above observation, these Civil Revision Petitions are allowed and the order made in I.A.Nos.76 and 77 of 2018 in O.S.No.35 of 2013 passed by the learned Principal Sub Judge, Tirunelveli, dated 26.02.2018 is hereby set aside. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Principal Sub Judge,
Tirunelveli.

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