



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.1730 of 2021

and

C.M.P. (MD)No.9232 of 2021

Palanisamy

...Revision Petitioner/Respondent/
Plaintiff

Vs.

Petchiammal

...Respondent/Petitioner/Defendant

PRAYER: Civil Revision Petition under Article 227 of Constitution of India, to call for the records of the Court below and allow this Revision Petition and set aside the fair and decreetal order dated 29.09.2021 passed in I.A.No.1 of 2021 in O.S.No.68 of 2020 on the file of the learned District Munsif, Rajapalayam.

For Petitioner :Mr.V.Ramakrishnan

For Respondent :Mr.M.Ashok Kumar

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order, dated 29.09.2021 in I.A.No.1 of 2021 in O.S.No.68 of 2020 passed by the learned District Munsif, Rajapalayam.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The defendant has filed a petition in I.A.No.1 of 2021 in O.S.No.68 of 2020 on the file of the learned District Munsif, Rajapalayam, for receiving documents. The said petition was allowed. Against the said order, the revision petitioner herein/plaintiff is before this Court.

4. Heard on either side and perused the material documents available on record.

5.Already the suit in O.S.No.68 of 2020 was disposed. In appeal, the suit was remanded back to trial Court to produce certain documents and evidence.



6.As per Judgment of the Appellate Court the documents are related to building plan, electricity connection and house tax documents and these documents are very necessary to decide the issue. Against which the revision petitioner herein/plaintiff has preferred an appeal in C.M.A(MD)No.92 of 2020 in which this Court has passed an order and directed the Court below to give opportunity to both the parties to adduce oral and documentary evidence to value of property.

7.Now the defendant has filed the petition in I.A.No.1 of 2021 for receiving documents; i.e., First Information Report, Charge sheet which were obtained through Right Information. These documents are necessary to adjudicate the questions raised by the Appellate Court.

8.The defendant has to file documents mentioned in the appeal Judgment. So, the petition in I.A.No.1 of 2021 which was filed for receiving documents is not at all necessary for deciding the issues. Without considering the appeal Judgment, the trial Court has allowed the petition which was filed for receiving documents. For remanding the matter these documents are not necessary.

9.Accordingly, this Civil Revision Petition is allowed by setting aside the order, dated 29.09.2021 in I.A.No.1 of 2021 in O.S.No.68 of 2020 passed by the learned District Munsif, Rajapalayam. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The District Munsif, Rajapalayam.

+1 CC to M/s.V.RAMAKRISHNAN, Advocate (SR-15151[F] dated 29/03/2022)

+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-15429[F] dated 30/03/2022)

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RD(29.04.2022) 2P 4C

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