



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 2113 of 2017 and
CMP(MD).No. 10522 of 2017

Rathnasamy .. petitioner/Petitioner/ Plaintiff

Vs.

1.Balasundaram
2.Rengasamy

Kandasamy(died)

3.Raja Anandavell
4.Ayyamperumal
5.Alagar

.. Respondents 1to5/Respondents 1,2,4 to 6/
Defendants 1,2,3 to 6

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 14.09.2017 made in I.A.No.778 of 2017 in O.S.No.503 of 2017 on the file of the Additional District Munsif Court, Dindigul.

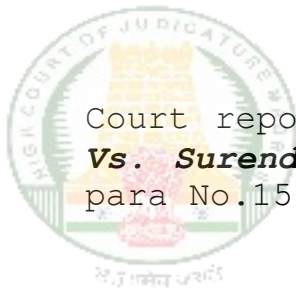
For Petitioner : Mr. M.P. Senthil
For Respondent : No appearance

ORDER

This civil revision is filed to set aside the order dated 14.09.2017 made in I.A.No.778 of 2017 in O.S.No.503 of 2017 on the file of th Additional District Munsif Court, Dindigul.

2. Heard the learned counsel appearing for the petitioner. There is no representation for the respondents for the last hearing as well as today's hearing.

3. The revision petitioner / plaintiff has filed an Interlocutory Application in I.A.No.778 of 2017 to eschew Exs.B1 to B9 since the said documents are only photo copies. The learned Additional District Munsif, Dindigul dismissed the said Interlocutory Application on the ground that it is only a copy petition to police and also receipt given by the police, so which can be admitted in evidence. In support of his contention, the petitioner counsel has relied on the Judgment of the Hon'ble Supreme



Court reported in **2010(8) SCC 423 (Shalimar Chemical Works Limited Vs. Surendra Oil and Dal Mills (Refineries) and others**, wherein at para No.15 it has been held as follows:

"15. On a careful consideration of the whole matter, we feel that serious mistakes were committed in the case at all stages. The trial Court should not have "marked" as exhibits the Xerox copies of the certificates of Registration of trade mark in face of the objection raised by the defendants. It should have declined to take them on record as evidence and left the plaintiff to support its case by whatever means it proposed rather than leaving the issue of admissibility of those copies open and hanging, by marking them as exhibits subject to objection of proff and admissibility. The appellant, therefore, had a legitimate grievance in appeal about the way the trial proceeded."

4. Since the suit is for bare injunction the plaintiff has to prove his case on his own document regarding the possession. Exs. B1 to B9 are the xerox copies of the Police complaint given by the defendant. The self documents are not at all admissible in evidence.

5. Hence, the Civil Revision petition is allowed by setting aside the order passed by the learned Additional District Munsif, Dindigul, dated 14.09.2017 made in I.A.No.778 of 2017 in O.S.No.503 of 2017. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To
The Additional District Munsif,
Dindigul.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-7807[F] dated 22/02/2022)
CRP(MD).No. 2113 of 2017 and
CMP(MD).No. 10522 of 2017

21.02.2022

SK(CO)

GC(15.03.2022) 2P 3C

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