



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD)No.2211 of 2017

WEB COPY

M/s.AMK & Co.,
Rep by its Proprietor K.Mohamed Bariq
No.96, Marshingpet Main Road,
Beemanager, Trichy.

... Petitioner/Petitioner/
Plaintiff

Vs.

1.The Union of India,
Rep by its General Manager,
Southern Railway, having its office at
Park Town, Chennai.

2.The Deputy Chief Materials Manager,
Golden Rock, Southern Railways,
Having Office at Goldern Rock,
Trichy.

3.The General Manager,
Southern Railways, Head Quarters,
Having Office at Park Town, Chennai.

4.The Controller of Stores,
Southern Railways,
Having Office at Ayanavaram,
Chennai.

... Respondents/Respondents/
Defendants

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 20.10.2017 partially dismissing I.A.No.99 of 2017 in O.S.No.134 of 2015 on the file of the Sessions Judge, Mahila Court, Tiruchirappalli.

For Petitioner	: Mr.Raguvaran Gopalan
For Respondents	: Mr.C.Vakeeswaran

ORDER

The plaintiff, aggrieved by the dismissal in part of his application to receive documents, is the revision petitioner before this Court.



2.The suit in O.S.No.134 of 2015 was filed by the plaintiff/revision petitioner for recovery of certain sums of money towards damages from the defendants/respondents herein. When the matter was posted for trial, the petitioner had come forward with an application in I.A.No.99 of 2017 to receive 27 documents as additional documents.

3. In the affidavit filed in support of the petition, the petitioner had stated that at the time of filing of the suit, the petitioner was unable to obtain the documents and most of them have been obtained under the Right to Information Act and therefore the Hon'ble Court may please to receive the documents.

4.No serious contest had been taken by the first respondent except to state that the document Nos.6 to 8 have been prepared for the case. The document Nos.6 to 8 are invoices and vouchers. The learned Sessions Judge, Mahila Court, Tiruchirappalli, by order dated 20.10.2017 was pleased to allow the petition in part and dismissed the same with reference to the document Nos.6,7, 8 and 10. Challenging the same, the plaintiff is before this Court.

5.Heard the learned counsel appearing on either side and perused the records.

6.The application in question is one to receive the documents. It is needless to state that the admission of a document as evidence is always subject to proof and relevancy and its admissibility.

7.In view of the above, this Civil Revision Petition is allowed and the order dated 20.10.2017 partially dismissing I.A.No.99 of 2017 on the file of the learned Sessions Judge, Mahila Court, Tiruchirappalli, is set aside and the document Nos.6, 7, 8 and 10 shall also be received and its admissibility in evidence shall be subject to proof and relevancy. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:-

The Sessions Judge,
Mahila Court,
Tiruchirappalli.

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-1979[F] dated 21/01/2022)
C.R.P(MD)No.2211 of 2017
20.01.2022

SK (CO)

GC (09.02.2022) 3P 3C