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C.R.P.No.4007 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4007 of 2023

and

C.M.P.No.24546 of 2023

Harinarayanan

... Petitioner

-Vs-

K.Jagadheeswaran

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order dated 02.03.2023 passed in I.A.No.5 of 2022 in O.S.No.451 of 2018 on the file of Principal Subordinate Judge at Tiruppur.

For Petitioner : Mr.S.P.Meenakshi Sundharam

ORDER

Challenging the impugned order passed in I.A.No.5 of 2022 in O.S.No.451 of 2018 passed by the learned Principal Sub-Judge, Tiruppur, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.



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3. Before the trial court, as the plaintiff, he filed an application in I.A.No. 5 of 2022 praying to mark additional documents and the same was allowed by the trial judge with a condition to pay the cost of Rs.2000/-. But, due to unavoidable circumstances, he was not able to pay the amount and accordingly, the petition was dismissed. Challenging the said findings, the revision petitioner/plaintiff preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that he is ready to pay the cost, but due to unavoidable circumstances, he is not able to pay the cost and now, he needs two weeks time.

5. Records perused. On perusal of entire facts, it reveals that in the year of 2018, the suit was filed and now, he is aged about more than 55 years old and he wanted to mark the bank statement in order to prove his claim. If he is not allowed to mark the same, his valuable right to prove his defence will be defeated. But, without considering his submissions, the trial judge erroneously dismissed the application, as such is unjustifiable one and the same is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings rendered by the trial judge in I.A.No.5



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of 2022 in O.S.No.451 of 2018 is set aside and the said application is ordered to be allowed. The Revision Petitioner/plaintiff is directed to pay the cost of Rs.2000/- to the respondents/defendants within a period of two weeks from the date of receipt of copy of this order. On such payment of cost, the trial judge is directed to proceed with the trial and dispose the case as per manner known to law. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

21.11.2023

Index : Yes/No

Speaking Order : Yes/No

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N.B. : Issue order copy on 22.11.2023

To

The Principal Sub-Judge, Tiruppur.



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T.V.THAMILSELVI, J.

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