



C.R.P(MD)No.997 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2023**

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.997 of 2019

and

C.M.P(MD)No.5567 of 2019

P.Raja

...Petitioner/Respondent/
Plaintiff

Vs.

C.Palani Andi

...Respondent/Petitioner/
Defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 12.04.2019 made in I.A.No.1 of 2019 in O.S.No.1288 of 2011 on the file of the learned II Additional District Munsif, Tiruchirappalli.

For Petitioner : Mr.S.Ramsundar Vijayraj
For M/s.Veera Associates

For Respondent : Mr.H.Lakshmi Shankar

ORDER

This Civil Revision Petition has been passed by the learned II Additional District Munsif, Tiruchirappalli in I.A.No.1 of 2019 in O.S.No.1288 of 2011, dated 12.04.2019.



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2. The learned counsel for the petitioner contended that the very order passed by the Court below is erroneous, as the Court has permitted to receive the unregistered documents. In this regard, the learned counsel for the petitioner relied upon the judgment of this Court in the case of ***Manikannan Vs Sambandam*** reported in ***2013-2-L.W.93*** and would submit that unless the document is admissible in evidence, such document could not be received. The learned counsel for the petitioner invited the attention of this Court about the list of documents. Wherein, they referred documents No.1 and 2, namely, the unregistered sale deeds and submits that since the unregistered sale deeds are inadmissible in evidence, even the receipt of the documents could not be ordered.

3. The learned counsel for the respondent would rely upon the judgment of the Hon'ble Apex Court in the case of ***Bipin Shantilal Panchal Vs State of Gujarat and others*** reported in ***(2001) 3 SCC 1***, and would contend that any objection to the admissibility of the document can only be decided while disposing of the suit finally, unless objection relates to deficiency in stamp. Even to decide the objection regarding deficiency in stamp, the documents needs to be received in evidence. He would also submit that the unstamped and unregistered sale deed can be looked into for collateral purpose.



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4. Therefore, what would emerge from the submission of the learned counsel for the respondent is that unless the documents received and marked with objection, the issue of admissibility cannot be adjudicated. The receipt of any documents in evidence would only be subject to proof and relevancy. Hence, this Court is of the view that the order passed by the Court below in receiving the petition mentioned documents subject to proof and relevancy is perfectly in order. Therefore, this Court does not want to interfere with the order of the Court below.

5. Considering the request made by the learned counsel for the petitioner and also the fact that the suit is pending for more than 10 years, this Court direct the Court below to dispose of the suit in O.S.No. 1288 of 2011 as expeditiously as possible, preferably within a period of 6 months from the date of receipt of the copy of this order.

6. In the result, this Civil Revision Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The learned II Additional District Munsif,
Tiruchirappalli.

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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