



C.R.P.(MD).No.2444 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(PD)(MD)No.2444 of 2018

and

C.M.P(MD) No.10890 of 2018

Arulmigu Kalahatheeswarar Devasthanam,
Dindigul Town,
Represented through its
Executive Officer.

... Petitioner/Petitioner/
2nd Defendant

-VS-

1. S.Rathinam

... 1st Respondent/1st Respondent/
Plaintiff

2. The Dindigul Municipality
Represented by through its Commissioner,
now Dindigul Corporation,
through its Municipal Commissioner,
Dindigul.

... 2nd Respondent/2nd Respondents/
1st Defendant.

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal Order dated 26.02.2018 passed in I.A.No.2157 of 2017 in O.S.No.643 of 2012 on the file of the Principal District Munsif Court, Dindigul.



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For Petitioner : Mr.M.Muthugeethayan
For Respondents : Mr.R.J.Karthick – for R1
: Mr.J.Parekhkumar – for R2

ORDER

The instant Civil Revision Petition has been filed against the order passed in I.A.No.2157 of 2017 in an application filed under Order VIII Rule 1A(3) of C.P.C.

2. The petitioner herein is the second defendant. The first respondent is the plaintiff and the second respondent is the first defendant before the Court below.

3. The short relief the petitioner wanted is that, they want to file two documents, namely, the certified copy of the decree and judgment in A.S.No.7 of 2016 on the file of the Principal Sub Court, Dindigul. However, the leave was rejected by the Court below. Aggrieved with the above said order, the petitioner is before this Court.

4. I have gone through the papers. It is admitted by either side that the suit is at the stage of marking of documents on behalf of this petitioner.



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However, from the perusal of the impugned order, it appears that the Court below has gone into the merits of the matter and has not granted leave to file the documents.

5. However, this Court is of the view that, going into the merits of the documents even at the threshold, when the document is sought to be produced is not permissible. Therefore, this Court is inclined to interfere with the order passed by the Court below.

6. In the result, this Civil Revision Petition stands **allowed** and the documents sought to be filed in I.A.No.2157 of 2017 is permitted to be filed. The Court below is directed to receive the documents subject to proof and the relevance. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

15.09.2023

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

1. The Principal District Munsif Court,
Dindigul.



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C.KUMARAPPAN,J.

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