



C.R.P.No.1094 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1094 of 2024 and
C.M.P.No.5697 of 2024

G.Sudakar

... Petitioner

Vs.

1.Asaithambi

2.A.Rajan

3.T.Gandhi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 08.11.2023 in the I.A.No.4 of 2023 in O.S.No.2822 of 2018 on the file of the learned XVI Assistant City Civil Court, at Chennai.

For Petitioner

:Mr.D.Daniel

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court allowing the application filed by the respondents seeking leave of the Court to produce certain revenue documents.



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2. The petitioner herein filed a suit for bare injunction. The respondents filed the instant application seeking leave of the Court to produce certain revenue documents. In the affidavit filed in support of the petition, it was stated by the respondents that at the time of filing of written statement, due to corona lockdown, the respondents could not produce the documents which they produced it now. It was further stated that the documents produced by the respondents are very much necessary to prove their case.

3. The Trial Court, by impugned order, allowed the respondents to produce the documents on condition that they shall pay a sum of Rs.1000/- to District Legal Service Authority, Chennai. Aggrieved by the said order, the petitioner is before this Court.

4. The learned counsel for the petitioner submits that the revenue documents produced by the respondents are very much under dispute and the proceedings are pending with the revenue officials regarding the objection raised by the petitioner. When the genuineness of the said document is very



much under dispute, the Court below ought not to have allowed the application.

5. By impugned order, the Trial Court only allowed the respondents/defendants to produce the documents which were not produced along with the written statement.

6. It is always open to the petitioner to raise all objections regarding the documents produced by the respondents including its genuineness. Any objection by the petitioner with regard to the genuineness of the document shall be considered by the Trial Court at the time of final disposal of the suit. When the document is tendered in evidence, it is open to the petitioner to raise the objection with regard to the admissibility, genuineness etc., The Trial Court can receive the document in evidence subject to the objection of the petitioner and such objection shall be adjudicated upon at the time of final disposal of the suit.



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7. With these clarifications, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

25.03.2024

Index : Yes / No
Internet : Yes / No
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To
The XVI Assistant City Civil Court, Chennai.



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S.SOUNTHAR, J.

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