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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

C.R.P.No.4701 of 2023 &
CMP.No.27937 of 2023

M.K. Babu (Deceased)

1. Mrs. V.L. Indirani

2. Mrs. Sowparnika Babu

.. Petitioners

VS

Mrs. R. Madhubala

.. Respondent

Prayer: Civil Revision Petition filed under section 227 of Constitution of India against the fair and decreetal order passed in I.A.No.7 of 2023 in O.S.No.7006 of 2019 on 05.10.2023 by the VI Additional City Civil Court, Chennai.

For Petitioners : Mr. K. Venkateswaran

For Respondent : Mr.K.S. Duraipandi
for Caveator

ORDER

This Civil Revision Petition is filed against the fair and decreetal order passed in I.A.No.7 of 2023 in O.S.No.7006 of 2019 on 05.10.2023 by the VI Additional City Civil Court, Chennai,



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2. The learned counsel for the petitioners submitted that the petitioners are defendants and the respondent is the plaintiff in O.S.No.7006 of 2019 on the file of VI Additional City Civil Court, Chennai. During trial, the petitioner filed an application in I.A.No.7 of 2023 for receiving the following documents.

1. Passbook pertaining to mortgage loan availed from Egmore Benefit Society.
2. Extract from the permanent land register
3. Property tax online receipts series (nine nos.)
4. Order passed in application No.3099/2017 in C.S.No.216 of 2015;
5. Certified copy of the sale deed bearing doc.No.5789 of 2001 on the file of SRO, Virugambakkam;
6. Reply notice issued by the defendant to the legal notice dated 5.7.2018
7. Return cover dt.20.09.2018
8. Pass book pertaining to the account maintained by the 1st defendant in Syndicate Bank, Mount Road Branch;
9. Passbook pertaining to the account maintained by the 1st defendant in Canara Bank, Chintadripet Branch;
10. Sanction plain given by the corporation of Chennai.

3. He further submitted that the trial court, by the order impugned, received the document Nos.3,5,7 to 9, but rejected the documents 1, 2, 4, 6 and 10 being xerox copies. Aggrieved by this, he filed this Revision Petition and prays to receive the documents 1,2,4,6 and 10 and to allow this Revision.



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4. During the course of arguments, the learned counsel for the petitioner submitted that in the impugned order, the trial court rejected the documents on the ground that all the documents 1,2,4,6 and 10 are xerox copies. Hence, the petitioners may be permitted to file certified copies of the documents 1, 2, 4, 6 and 10 before the trial court and the trial court may be directed to receive those documents.

5. Considered the submissions of the learned counsel for the petitioners and perused the materials available on record.

6. On perusal of the impugned order, the fact reveals that the petitioner is the defendant and the respondent is the plaintiff in O.S.No.7006 of 2019. After examination of plaintiff, during the course of examination of defendant side evidence, the petitioner filed an application in I.A.No.7 of 2023 for receiving the aforementioned documents. After considering the submissions of the learned counsel for the parties, the trial court received documents 3,5,7 to 9 and rejected the documents 1,2, 4, 6 and 10 being xerox copies. Now the learned counsel for the petitioners submitted that he is ready to file certified copy of those documents.



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7. Considering the submissions of the learned counsel for the petitioners, this revision petition is dismissed with liberty to petitioners to file certified copies of the documents 1,2,4 6 and 10. The trial court may receive the certified copies of documents 1,2,4, 6 and 10 subject to their proof and relevancy.

8. With this observation, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.01.2024

msr

Index: Yes/No

Internet: Yes/No

To

The VI Additional City Civil Court, Chennai.



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V. SIVAGNANAM, J.

msr

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