



C.R.P. (PD) No.5020 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.5020 of 2024 &
CMP.No.28180 of 2024

Rajendran .. Petitioner

Versus

Navas .. Respondent

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed by the learned Additional Sub Court, Kallakurichi in I.A.No.701 of 2024 in O.S.No.772 of 2020 dated 24.09.2024.

For Petitioner : Mr.V.Gunasekar

ORDER



C.R.P. (PD) No.5020 of 2024

WEB COPY

When the civil revision petition came up for admission, I pointed out Mr.V.Gunasekar that the learned Additional Subordinate Judge has recorded as follows:

“ The petitioner has filed this petition to seek leave of this court to produce the documents. The respondent has not made any objection to this petition. Hence, this petition is allowed. The Doc filed along with the petition will be marked subject to proof and relevancy.

Signed

24.09.2024”

2. Mr.V.Gunasekar took time to get instructions from his counter part in Kallakurichi. Today, he points out that his counter part on 19.09.2024 had made an endorsement as follows:

“I take notice, pray time for counter, being the documents No.1 and 2 are not original and are not certified copies. Hence they cannot to be marked as exhibits. The documents No.3 to 5 may be record subject to relevancy.

19.09.2024

Counsel for the plaintiff”



C.R.P. (PD) No.5020 of 2024

WEB COPY

3. Hence, Mr.V.Gunasekar argues that the recording made by the learned Judge is erroneous.

4. The recording made by a court cannot be drawn into in the game of litigation. I have to go as per the recordings made by the learned Presiding Officer, namely, the Additional Subordinate Court at Kallakurichi. The endorsement reads the civil revision petitioner did not object to the application being allowed. If that be the situation, having tendered no objection to the trial court, the relief sought for in the revision cannot be entertained.

5. Taking into consideration the plea that has been raised by Mr.V.Gunasekar, I am of the view that the appropriate remedy, in case the learned Judge has recorded a wrong happening in the Court, is to file an application before the very same learned Judge pointing out the error that had been committed by him. It would be in line with the view that has been pronounced by the Privy Council in ***R.M.K.R.M. Somasundaram Chetty v. M.R.M.V.L. Subramanian Chetty, 1926 SCC OnLine PC 36*** as well as the



C.R.P. (PD) No.5020 of 2024

Supreme Court in *State of Maharashtra v. Ramdas Shrinivas Nayak*, AIR
1982 SC 1249.

6. It is open to the petitioner to file such application as is open to him questioning the recording in the Court before the very same learned Judge. As long as the recordings stand, I am not inclined to interfere. This civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

21.12.2024

nl

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



WEB COPY



C.R.P. (PD) No.5020 of 2024

To

The Additional Sub Court, Kallakurichi



WEB COPY



C.R.P. (PD) No.5020 of 2024

V.LAKSHMINARAYANAN, J.,

nl

Civil Revision Petition (PD) No.5020 of 2024

21.12.2024