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C.R.P. (PD) .No.4994 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.4994 of 2024
and C.M.P.No.28070 of 2024

M.Selvam

.. Petitioner

Vs.

T.K.Ganapathy (died)

1.L.Karthikeyan

2.S.Sekar

.. Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order and decree dated 13.09.2024 in I.A.No.2 of 2024 in O.S.No.215 of 2013 on the file of the Principal District Munsif, Poonamallee.

For Petitioner : Mr.R.Rajarajan

ORDER

This revision challenges the order of the Principal District Munsif, Poonamallee, in I.A.No.2 of 2024 in O.S.No.215 of 2013 dated 13.09.2024.



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2.O.S.No.215 of 2013 is a suit for bare injunction. The sole plaintiff died on 13.12.2019. The 2nd plaintiff was impleaded as legal representative on the strength of a “WILL” registered by the sole plaintiff in his favour on 24.05.2018. Thereafter, he filed an application in I.A.No.2 of 2024 seeking the leave of the Court under Order VII Rule 14(2) of the Code to let in certain documents. The said application, though opposed by the defendants, came to be allowed. Challenging the said order, this revision has been presented before this Court.

3.Mr.R.Rajarajan takes me to the list of documents given at Pg.No.47 of the typed set of papers. He points out that these are all irrelevant for the purpose of this case. These are “no objection” letters that were allegedly given by the other legal heirs of the deceased sole plaintiff in favour of the impleaded 2nd plaintiff. He points out none of these are relevant for the purpose of conducting this case. Hence, he pleads that the order of the trial Court may be revised.



WEB COPY 4.I have considered the submissions of Mr.R.Rajarajan.

5.At the stage of granting leave to produce documents, the question of relevancy and proof does not arise. May be as pointed out by Mr.R.Rajarajan, these documents are absolutely irrelevant for the purpose of proving the case of the plaintiff, yet the learned Trial Judge has exercised her discretion to receive the documents. Furthermore, she has protected the right of the defendants by stating that the documents are being received subject to proof, relevancy and admissibility. However, the learned Trial Judge has exercised her discretion in terms of Order VII Rule 14(2) of the Code and had passed the said order.

6.Hence, I am not able to come to a conclusion that the order of the learned Trial Judge is perverse. Re-affirming the liberty granted by the learned Principal District Munsif, Poonamallee, the defendants are entitled to cross examine the 2nd plaintiff on relevancy, admissibility, genuineness and proof of the said documents, this revision is dismissed.



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7. In the result, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

13.12.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

The Principal District Munsif,
Poonamallee.



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V.LAKSHMINARAYANAN, J.

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