



C.R.P.(MD).No.2118 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

C.R.P.(MD).No.2118 of 2013

and

M.P.(MD).No.1 of 2013 and C.M.P.(MD).No.441 of 2021

Krishnamurthy

.. Petitioner/Petitioner/Plaintiff

Vs.

1.Malaichamy

2.Kogulmurugesan

.. Respondents 1 & 2 /Respondents/
Defendants

3.P.Chitra

.. 3rd Respondent

*(R-3 is impleaded vide Court order dated 30.03.2023 made in C.M.P.
(MD).No.8438 of 2017 in C.R.P.(MD).No.2118 of 2013)*

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order dated 27.08.2013 made in I.A.No.94 of 2012 in O.S.No. 88 of 2011 on the file of Additional District Munsif-cum-Judicial Magistrate, Manamadurai, set aside the same and allow this Civil Revision Petition.

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For Petitioner : Mr.S.Srinivasa Raghavan
For Respondents : Mr.K.Kumaravel for R-2
No appearance for R-1 & R-3

ORDER

This Civil Revision Petition has been filed challenging the dismissal order passed in an application filed under Section 151 CPC.

2. The petitioner/plaintiff appears to have filed a suit for declaration and permanent injunction, wherein, he moved an application to mark two unregistered documents for the partition deeds, which was objected by the respondents 1 and 2/defendants by contending that the unregistered documents cannot be marked.

3. On perusal of the records, it is seen that the suit is of the year 2011. Admittedly, the documents are unregistered documents. However, such documents cannot be rejected at the threshold without even receiving the same and marking in a trial proceedings. It is pertinent to mention here that as per the ratio of the Hon'ble Supreme Court in the case of ***Bipin Shantilal***



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Panchal Vs. State of Gujarat and another reported in (2001) 3 SCC 1, any

objection has to be decided while pronouncing the judgment. Therefore, without going into the merits of the case, this Court deems it appropriate to allow the Civil Revision Petition on a specific direction to the Trial Court to follow the principle laid by the Hon'ble Supreme Court in *Bipin Shantilal Panchal's* case (cited supra).

4. Accordingly, the Civil Revision Petition is allowed. Considering the long pendency of the suit, the Trial Court is directed to dispose of the suit within a period of four (4) months from the date of receipt of a copy of this order. Any observation made in this order will not stand in the way of the Trial Court to dispose of the suit according to its own merits. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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- 1.The Additional District Munsif cum
Judicial Magistrate Court,
Manamadurai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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