



CRP(MD).No.183 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

CRP(MD).No.183 of 2024 and
CMP(MD).No.766 of 2024

P.R.Jawaharlal

... Petitioner

Vs.

K.G.Ramila

... Respondent

PRAYER:- Petition filed under Article 227 of the Constitution of India against the Ex and fair order, dated 14.09.2023 passed in I.A.No.1 of 2023 in O.S.No.177 of 2016 on the file of the learned IV Additional District Judge, Madurai.

For Petitioner : Mr. M.Kannan

For respondent : Mr.P.T.S. Narendra Vasan

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order, dated 14.09.2023 passed in I.A.No.1 of 2023 in



CRP(MD).No.183 of 2024

O.S.No.177 of 2016 on the file of the learned IV Additional District Judge, Madurai.

2. The suit in O.S.No.177 of 2016 was filed by respondent herein / plaintiff seeking the relief of partition. Trial commenced. During the course of trial process, evidence on the side of the plaintiff was over and when the suit was posted for defendant's side evidence, at that time, the application was taken out by the revision petitioner in I.A.No.1 of 2023 under Order VIII Rule 1(3) and Section 151 CPC to condone the delay in producing the certain documents viz., unregistered release deed, dated 23.07.1990 and that came to be rejected by the trial Court stating that unregistered document cannot be received in evidence which has no evidentiary value in deciding the rights of the parties in a suit for partition in respect of immovable parties. Apart from that, it is also stated that there is no pleading in the written statement to the effect that the document is missing and about the stamp duty penalty etc., Challenging the above said order, the present Civil Revision Petition is preferred.



CRP(MD).No.183 of 2024

3. The learned counsel appearing for the revision petitioner submitted that the trial Court has to decide in respect of the document and its admissibility. It is also submitted that he is ready to pay the Stamp duty and penalty before the trial Court.

4. Per contra, the learned counsel appearing for the respondent submitted that even though the petitioner is ready to pay the deficit stamp duty penalty, the details were not explained by him in the written statement with regard to the disputed documents. Apart from that, it was objected to the admissibility of the document on the ground that it is an unregistered and unstamped document.

5. Heard the learned counsel appearing for both sides and perused the materials available on record.

6. Even though the document has been specifically pleaded in the written statement, it has been stated by the petitioner in the affidavit that the said document was mixed up with other documents in the Advocate's office and because of that only, he was not in a position



CRP(MD).No.183 of 2024

to produce the document along with written statement. So, in view of the said submission made by the revision petitioner before the trial Court, the same need not be objected to by the respondent. Since the said facts specifically pleaded in the written statement, the above said delay may be condoned. With regard to the admissibility of the document, the same may be considered by the trial Court on the basis of the arguments advanced by both sides. Even though some observation has been made by the trial Court in this regard, for the reasons stated above, the parties may re-argue the matter with regard to the admissibility of the document.

7. With the above said liberty, this Civil Revision Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

11.03.2024

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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CRP(MD).No.183 of 2024

To

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The learned IV Additional District Judge, Madurai.



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CRP(MD).No.183 of 2024

G.ILANGOVA,J.

Trp

CRP(MD).No.183 of 2024 and
CMP(MD).No.766 of 2024

11.03.2024