



C.R.P.(MD)No.893 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.893 of 2023
and C.M.P.(MD).No.4107 of 2023

S.Roobakala

... Petitioner/Petitioner/
2nd Defendant

Vs.

K.K.Ramasubramaniam

... Respondent/Respondent/
Plaintiff

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 28.02.2023 passed in I.A.No.8 of 2023 in O.S.No.205 of 2012 on the file of the learned Additional District and Sessions Judge, Srivilliputhur.

For Petitioner : Mr.M.P.Senthil

For Respondent : Mr.K.PKrishnadoss

ORDER

This revision petition has been filed set aside the fair and decreetal order, dated 28.02.2023 passed in I.A.No.8 of 2023 in O.S.No.205 of 2012 on the file of the learned Additional District and Sessions Judge, Srivilliputhur.



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2.The above said interlocutory application was filed by the petitioner to condone the delay in producing the document under Order 8 Rule 1A(3) of CPC. That was dismissed by the trial Court. The reason for dismissal is that those documents were not pleaded by the petitioner in the written statement. The learned counsel for the petitioner submitted that those documents were pleaded in the additional written statement filed by him in the month of November 2018 itself. That was also observed by this Court at the time of making the order of remand.

3.Even though, the learned counsel for the respondent would submit that the suit is of the year 2012, still it is dragging on, because of the delay on the part of the revision petitioner. Since those documents are already pleaded in the additional written statement, the inconvenience that has been caused by the petitioner to the respondent may be compensated by way of cost.

4.Accordingly, the petitioner is directed to pay a sum of Rs.2,500/- to the respondent. Considering the oldness of the matter, there shall be a



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direction to the trial Court to dispose of the case by following by strictly following the guidelines issued in Circular of this Court in R.O.C.No. 1599-A/2009/B5, dated 15.05.2009.

5.With the above said directions, this civil revision petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.03.2024

Index : Yes / No
Internet : Yes / No
TM

To

1.The Additional District and sessions Judge, Srivilliputhur.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAN,J.

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