



C.R.P.PD(MD)No.593 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

C.R.P.PD(MD).No.593 of 2020

&

C.M.P(MD).No.3788 of 2020

Dr.K.Balamurugan

... Petitioner

Vs.

G.Rajkumar

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 01.02.2020 in I.A.No.3 of 2019 in O.S.No.476 of 2017 on the file of the I Additional District Munsif Court, Tirunelveli.

For Petitioner : Ms.K.Shwathini
for
Mr.G.Prabhu Rajadurai

For Respondent : Mr.J.Jeyakumaran

ORDER

This Civil Revision Petition has been filed against an order dated 01.02.2020 in I.A.No. 3 of 2019 in O.S.No. 476 of 2017 passed by the learned I Additional District Munsif Court, Tirunelveli. The said application



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was filed under Order 13 Rule 2 r/w Sec.151 of C.P.C to receive certain documents filed by the respondent/plaintiff. The said application was allowed by the learned trial court by passing the order under revision.

2. The only grievance agitated by the learned counsel for the petitioner before this court is that the learned trial court while receiving the said documents has recorded its findings as to the admissibility of the said documents, and the purpose for which the said documents are filed and the same is stated to be for collateral purpose.

3. While filing an application under Order 13 Rule 2 of C.P.C the only consideration for the learned trial court is whether there is any justification for the respondent/plaintiff in not filing such documents along with the plaint and the delay in filing such documents are properly explained by the respondent/plaintiff or not. But the admissibility of the said documents or the purpose for which the said documents are intended to be brought on record etc., are totally irrelevant. The admissibility or otherwise of the said documents can only be considered when such documents are tendered in



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evidence and the opposite party will always have right to raise an objection about admissibility of such documents that are tendered in evidence. In such an event, the learned trial court can decide the admissibility or otherwise of the documents.

4. In the circumstances, the observations that are made under the order under revision pertaining to the admissibility of the said documents and the purpose for which the said documents were sought to be brought on record shall stand expunged and the Civil Revision Petition is accordingly disposed of directing the learned trial court to decide the admissibility of the documents that are received under the order under revision in case if the same are tendered in evidence, and in case if any objection is raised by the opposite party. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

20.03.2024.

NCC : Yes/No
Index : Yes/No
Internet : Yes
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MUMMINENI SUDHEER KUMAR, J.

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To

The I Additional District Munsif Court, Tirunelveli

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