



CRP(MD).No.1045 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.1045 of 2022 and
CMP(MD).No.4199 of 2022

Saroja : Petitioner / appellant

Vs.

Subbiah : Respondent / respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 16.12.2021 made in I.A.No.1 of 2019 in A.S.No.19 of 2025 on the file of the Subordinate Court, Sivagangai.

For Petitioner : Mr.S.Srinivasa Raghavan

For respondent : Mr.V.S.Kumaraguru

ORDER

This Civil Revision Petition is filed against the fair and decreetal order, dated 16.12.2021 made in I.A.No.1 of 2019 in A.S.No.19 of 2025 on the file of the Subordinate Court, Sivagangai.



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2. The respondent as plaintiff filed the suit in O.S.No.64 of 2012 on the file of District Munsif Court, Sivagangai, in which, a decree was passed in favour of the plaintiff. Against which the revision petitioner / defendant preferred an appeal in A.S.No.19 of 2025 on the file of Sub Court, Sivagangai. Pending appeal suit, the revision petitioner / defendant preferred an application in I.A.No.1 of 2019 under Order 16 Rule 6 CPC for the purpose of sending the documents from the office of the Thasildar, Sivagangai for marking as additional evidence on the side of the revision petitioner / defendant. The said application was resisted on the side of the respondent / plaintiff. However, the First Appellate court dismissed the said application. Against which the present revision is preferred.

3. Heard both sides and perused the materials available on records.

4. On perusal of the records it is seen that the said application has been preferred under Order 16 Rule 6 CPC which is incorrect. At the stage of the appeal, the petitioner ought to have filed an application under Order 41 Rule 27 CPC. Hence, there is no merit in the present Civil Revision Petition challenging the order passed in I.A.No.1 of 2019 in A.S.No.19 of 2025 on the file of the Subordinate Court, Sivagangai. In



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view of the above, the present Civil Revision Petition is devoid of merits.

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5. Accordingly, the Civil Revision Petition is dismissed. However, liberty is given to the petitioner to file an appropriate application before the appellate forum. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes/ No
trp

To

The Subordinate Court, Sivagangai.



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K. GOVINDARAJAN THILAKAVADI, J.,

trp

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