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C.R.P.(MD) No.2642 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD) No.2642 of 2024
and C.M.P.No.15179 of 2024

Jeyarani Petitioner

-
Vs-

Rajkumar Respondent

Prayer : Civil Revision Petition under Article 227 of the Constitution of India to set aside the fair and decretal order dated 08.03.2024 passed in I.A.No.6 of 2024 in O.S.No.93 of 2019 on the file of the District Munsif Court, Tiruchendur.

For Petitioner : Mr.Jaisingh

ORDER

The plaintiff in OS No.93 of 2019 on the file of the District Munsif Court at Tiruchendur is the revision petitioner herein.

2. The suit is for permanent injunction restraining the defendant from dispossessing the plaintiff except by due process of law. The second defendant in the suit filed I.A.No.6 of 2024 under Order VIII Rule 1A(3) of Civil Procedure Code for reception of a document which was omitted to be filed along with the written



statement. The Court below, vide order dated 08.03.2024 allowed the interlocutory application. Challenging the same, this revision petition has been filed.

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2. Learned counsel for the petitioner reiterated all the contentions set out in the memorandum of the civil revision petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

3. I am not swayed by the submissions of the learned counsel for the petitioner. Order VIII Rule 1A(3) reads as follows:

“1A. Duty of defendant to produce documents upon which relief is claimed or relied upon by him.

(1)....

(2).....

[(3) A document which ought to be produced in Court by the defendant under this rule, but, is not so produced shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.]”

3. The Court below has exercised its discretion in favour of the applicant so that the document on which the defendant bases his defence is received. In exercise of jurisdiction under Article 227 of the Constitution of India, I do not propose to interfere with such a discretionary order. The Civil Revision Petition stands dismissed. No



C.R.P.(MD) No.2642 of 2024

costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

KST

To

The District Munsif

Tiruchendur.



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G.R.SWAMINATHAN, J.

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