



CRP(MD).No.1057 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.1057 of 2024 and
CMP(MD).No.5858 of 2024

N.Kavitha : Petitioner / Plaintiff

Vs.

P. Chokkar : Respondent / defendant

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 05.03.2024 made in I.A.No.1 of 2023 in O.S.No.273 of 2021 on the file of the VI Additional District Judge, Madurai.

For Petitioner : Mr.V. Sasikumar

For respondent : Mr.S.Thangaraj

ORDER

This Civil Revision Petition has been filed against the fair and decreetal order, dated 05.03.2024 made in I.A.No.1 of 2023 in O.S.No.273 of 2021 on the file of the VI Additional District Judge, Madurai.

2. The revision petitioner as plaintiff filed the above suit in O.S.No.



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273 of 2021 on the file of the VI Additional District Judge, Madurai for recovery of money. Pending suit, the respondent / defendant filed an application in I.A.No.1 of 2023 under Order 8 Rule 3 CPC for receipt of certain documents. The said application was resisted by the revision petitioner / plaintiff before the trial Court stating that the above documents are not connected to the present case. However, the trial Court allowed the said application by its order, dated 05.03.2024. Aggrieved by the same, the present revision is preferred.

3. The learned counsel appearing for the revision petitioner would submit that the respondent / defendant filed an application to mark some cheques which were issued by him to various persons through various bank accounts and in two cheques the payee names were not mentioned, which are not connected to the present case. However, the trial Court has erroneously allowed the said application.

4. On the other hand, the learned counsel appearing for the respondent / defendant would submit that the proposed documents are very much necessary to establish the defence of the case and hence, considering the necessity of the documents the trial Court has rightly allowed the



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application which calls for no interference by this Court.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. It is settled proposition of law that marking of the documents is different from relying of the documents while disposing the case. No infirmity is found in the order of the trial Court. However, the trial Court is directed to give an opportunity to the petitioner to cross examine the witness with regard to the genuinity and relevancy of the documents. Moreover, considering the fact that the suit is of the year 2021, the trial Court is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

22.11.2024

Index : Yes / No
Internet : Yes/ No
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Note: Issue order copy on 09.12.2024



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K. GOVINDARAJAN THILAKAVADI, J.,

trp

To

The VI Additional District Judge, Madurai.

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