



C.R.P. (PD)(MD).No.53 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.53 of 2018

and

C.M.P(MD) No.229 of 2018

1. Chellammal
2. Kuppaiyan
3. Kalimuthan

Rakkan (Died)

4. Sornavalli
5. Saravanan

... Petitioners/Respondents/Defendants

-vs-

Palani

... Respondent/ Appellant/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order passed in I.A.No.684 of 2017 in O.S.No.124 of 2012, dated 28.08.2017, on the file of the District Munsif Court, Devakottai, Sivagangai District.

For Petitioners : Mr.J.Anandkumar

For Respondent : Mr.C.M.Mari Chellaiah Prabhu



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ORDER

The present Civil Revision Petition has been filed by the defendants in O.S.No.124 of 2012, on the file of the District Munsif Court, Devakottai, Sivagangai District, challenging the order passed in I.A.No.684 of 2017 wherein an application filed by the plaintiff for reception of documents under Order 7 Rule 14(2) of C.P.C, was allowed.

2. The respondent herein as plaintiff has filed the above suit for the relief of declaration of title and permanent injunction. When the plaintiff's side evidence was going on, the plaintiff has filed I.A.No.684 of 2017 under Order 7 Rule 14 (2) of C.P.C, to condone the delay in filing four documents. A perusal of the said application reveals that the judgment and decree passed in O.S.No.139 of 2014 and O.S.No.45 of 2015 are sought to be marked. The defendants in their counter have strongly objected to the said application on the ground that those documents are sought to be marked through one Sevuga Perumal. He is in no way connected with those documents. However, setting aside the said objection, the trial Court has proceeded to allow the said application. Challenging the same, the present Civil Revision Petition has been filed by the defendants.



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3. According to the learned counsel appearing for the revision petitioners, the plaintiff has got serious objection with regard to the marking of those documents through Sevuga Perumal, who is no way connected with the judgment and decree in O.S.No.139 of 2014 and O.S.No. 45 of 2015. This issue ought to have been decided by the trial Court before allowing the said application.

4. Per contra, the learned counsel appearing for the respondent/plaintiff had contended that after allowing the said application in I.A.No.684 of 2017, the documents have been marked through Sevuga Perumal subject to the objection raised by the defendants. Hence, he prayed for dismissal of the Civil Revision Petition.

5. The facts narrated above clearly indicate that the application in I.A.No.684 of 2017 has been filed only for reception of those documents without mentioning as to through whom those documents have to be marked. After allowing the said application, these documents have already been marked through one Sevuga Perumal, subject to the objection raised by the



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defendants in the suit. In case, if the defendants have got any objections with regard to the marking of those documents through said Sevuga Perumal, then they have to raise the said issue during trial.

6. With the above said observation, this Civil Revision Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

06.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The District Munsif Court,
Devakottai,
Sivagangai District.



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R.VIJAYAKUMAR,J.

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