



C.R.P.(MD)No.2109 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2109 of 2023

and

C.M.P.(MD)No.10621 of 2023

M.Sundar

... Petitioner / Respondent/ Plaintiff

Vs.

M.Sekar

... Respondent / Petitioner / Defendant

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for record relating to the order and decreetal order dated 15.06.2023 in I.A.No.66 of 2023 in O.S.No.23 of 2016 on the file of the District Munsif Court, Thiruvaiyar and set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.A.Sivasubramanian

For Respondent : No appearance

* * *

ORDER

Heard learned counsel for the revision petitioner.



C.R.P.(MD)No.2109 of 2023

2.The plaintiff in O.S.No.23 of 2016 on the file of the District Munsif Court, Thiruvaiyar is the the revision petitioner herein. It is a suit for mandatory injunction. In the said suit, the defendant filed I.A.No.66 of 2023 for producing two documents. Since they were not originally filed, leave was sought under Order VIII Rule 1(3)A of Civil Procedure Code. The Court below vide order dated 15.06.2023 allowed the same. Questioning the same, this civil revision petition came to be filed.

3.The order impugned in this civil revision petition is a discretionary order. It is not perverse. If the defendant had enclosed the two documents along with his written statement, the plaintiff could not have opposed the same. Merely because it is being belatedly produced, leave is required and that is why, the plaintiff is in a position to oppose the said request.

4.The Court below had made it clear that as and when the documents are marked, the plaintiff can raise all his objections. In any event, the plaintiff is at liberty to raise his objections at the time of final arguments. The learned counsel for the revision petitioner states that one of the documents now sought to be produced is an unregistered family arrangement and it is inadmissible in evidence. The question of admissibility or otherwise can be gone into at the



C.R.P.(MD)No.2109 of 2023

appropriate stage. The petitioner is not really prejudiced by the impugned order. Leaving open all his contentions and defences, the impugned order is sustained and the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ias

To:

The District Munsif Court,
Thiruvaiyar.



WEB COPY



C.R.P.(MD)No.2109 of 2023

G.R.SWAMINATHAN, J.

ias

C.R.P.(MD)No.2109 of 2023

24.09.2024