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C.R.P.(MD)No.2058 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.2058 of 2024

R.M.Vijayalakshmi

... Petitioner/ Plaintiff

Vs.

R.M.Somasundaram

... Respondent/ Defendant

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the trial Court to accept the documents filed along with the proof affidavit filed by the petitioner/ plaintiff in O.S.No.242 of 2015 on the file of V Additional District Court at Madurai.

For Petitioners : Mr.R.Murali

For Respondent : No appearance.



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ORDER

The plaintiff in O.S.No.242 of 2015 on the file of the V Additional District Court, Madurai is the revision petitioner herein. Notice issued to the respondent has been served and his name is printed in the cause list. However, he has not chosen to enter appearance.

2. The petitioner herein filed the said suit seeking declaration that the settlement deed dated 25.10.2011 executed by her in favour of the respondent herein is null and void and for permanent injunction. The suit was listed for trial. The petitioner filed proof affidavit along with 15 documents. Some of the documents filed by the petitioner were photocopies. The Court below vide order dated 07.06.2024 noted that since the certified copies have not been filed, it adjourned the case on 28.06.2024 for producing the original or certified copy of those documents for the purpose of marking. Questioning the aforesaid order passed by the Court below, the present civil revision petition came to be filed.



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3. It is open to the party to a suit to adduce evidence either by marking the original document or certified copies. In some cases, photocopies also can be permitted to be marked, when there is no objection from the opposite parties. In this case, the defendant did not raise any objection to the marking of the photocopies. When the defendant himself has not chosen to object, it is not open to the Court below to decline to mark the documents. In this view of the matter, the order dated 07.06.2024 passed by the Court below is set aside. The petitioner is permitted to mark all 15 documents enclosed by her along with the proof affidavit. This civil revision petition is allowed. No costs.

06.09.2024

Index : yes/No
Internet: Yes/No
PMU

To

The V Additional District Judge,
Madurai.



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G.R.SWAMINATHAN,J.

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