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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.4430 of 2023
& CMP.No.26780 of 2023

M.Ranjith Kumar

... Petitioner

Vs.

1.B.Ravikumar

2.R.Jayanthi

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 21.07.2023 in I.A.No.2 of 2023 in O.s.No.2248 of 2014 on the file of the XII Assistant City Civil Court, Chennai.

For Petitioner : Mr.R.Asokan

For Respondents : Mr.Ramesh

ORDER

The Civil Revision Petition has been filed against the dismissal of IA.No.2 of 2023, which is taken out by the plaintiff.

2.Heard the learned counsel on either side.



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3. In a connected suit, the very same document, according to the petitioner, was marked in original and a certified copy of the same has been obtained and sought to be marked in the present suit in O.S.No.2248 of 2014. The Trial Court has dismissed the said application based on the submissions made by the learned counsel that CRP.No.436 of 2022 was pending at that point of time. However, the Trial Court has given liberty to the petitioner to file a fresh application, subsequent to the orders passed in CRP.No.436 of 2022. The said order has been challenged by the petitioner/plaintiff and pending this revision, it is brought to my notice that CRP.No.436 of 2022 has been allowed and the order of the Trial Court permitting the document to be marked, has been restored.

4. The learned counsel for the respondents would however state that he has personally checked up with the documents available in the other suit before the III Additional City Civil Court, Chennai and according to him, it is only a colour photostat copy of the said receipt and not the original. The learned counsel for the petitioner would however fairly submit that the XII Assistant City Civil Court can call for the said document which was marked



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as Ex.P1 in I.A.15937 of 2014 in O.S.No.3069 of 2014 on the file of the III Additional City Civil Court, Chennai and satisfy himself with regard to the fact that the said document, which is styled as a receipt, is available in original or colour photostat copy and depending on the subjective satisfaction of the Trial Court, the said document can be received in the present suit. Though the Trial Court has given liberty to the petitioner to take out an application, in view of the procedure that has been agreed upon between the parties and based on which the revision is disposed of, the Trial Court shall not insist on any fresh application being filed and shall *suo motu* call for the document.

5. With the above observation, the Civil Revision Petition is disposed of. There shall be no order as to costs. Connected Civil Miscellaneous Petition is closed.

25.06.2025

Speaking/Non-speaking : Yes/No

Index : Yes / No

Internet : Yes / No

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P.B. BALAJI,J.

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To

- 1.The XII Assistant City Civil Court, Chennai.
- 2.The III Additional City Civil Court, Chennai.

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