



C.R..P.(PD)(MD).No.1645 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1645 of 2025

and

C.M.P.(MD)No.8633 of 2025

V.Govindarajan

... Petitioner

Vs.

1.K.A.Murugappan

2.K.A.Velppan

... Respondents

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to call for the records and to set aside the fair and decreetal order dated 22.01.2025 passed in I.A.No.10 of 2025 in O.S.No.101 of 2015 on the file of the IV Additional District Court, Tirunelveli.

For Petitioner : Mr.T.S.R.Venkatramana
for Mr.G.Dhanapal

ORDER

This Civil Revision Petition is filed seeking to set aside the fair and decreetal order dated 22.01.2025 passed in I.A.No.10 of 2025 in O.S.No.101 of 2015 on the file of the IV Additional District Court, Tirunelveli.



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2.Since no adverse order is going to be passed as against the respondents, notice to the respondents is dispensed with.

3.The petitioner is the plaintiff in the suit filed for specific performance in O.S.No.101 of 2025 as against the respondents/defendants, in which the respondents have also filed written statement. Subsequently, during the time of trial, the second defendant filed an interlocutory application in I.A.No.10 of 2025 to condone the delay in filing of some of the documents, which were not form part of the written statement under Order 8 Rule 1 (3A) and Section 151 of CPC and the said petition was allowed. Challenging the same, the present Civil Revision Petition is filed.

4.The learned counsel for the petitioner would submit that though the trial Court have power to condone the delay on merits, such discretionary power should be exercised cautiously. In the present case, the defendant did not file the necessary documents within the prescribed time. Subsequently, after the lapse of prescribed period, the petitioner filed an application to condone the delay in marking the documents and the same is impermissible.



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5.However, the learned counsel for the petitioner fairly submits that this Court may permit the petitioner to take a defense before the trial Court with regard to the documents sought to be marked by the plaintiff subject to its relevancy and admissibility.

6.In view of the fair submission made by the learned counsel for the petitioner, and also considering the facts and circumstances of the case, this Court without interfering with the orders of the trial Court, directs the trial Court to allow the respondents /defendants to mark the documents with objections of the plaintiff and permit the petitioner to defend the said documents. It is also made clear that the trial Court shall decide the relevancy and admissibility of the documents in question at the time of trial.

7.With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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- To
- 1.The IV Additional District Court, Tirunelveli.
 2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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