
(2009) 09 MAD CK 0141

In the Madras High Court

Case No : C.R.P. (PD) No. 2461 of 2010 and M.P. No. 1 of 2010

N. Subhash Chand Jain

APPELLANT

Vs

Uniply Industries Limited

RESPONDENT

Date of Decision : 17-09-2009

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 8 Rule 1A(3)

Citation : (2011) 2 CTC 258

Hon'ble Judges : R.S. Ramanathan, J

Bench : Single Bench

Advocate : Franciso C D"Croz, for the Appellant; T.D. Selvanbabu, for the Respondent

Final Decision : Allowed

Judgement

R.S. Ramanathan, J.—The Defendant in O.S. No. 4043 of 2001 on the file of the learned II Assistant Judge, City Civil Court, is the revision Petitioner. Though the suit is of the year 2001, the written statement of the Defendant was filed only in March 2010 and immediately thereafter the Defendant/revision Petitioner filed I.A. No. 6342 of 2010 under Order VIII Rule 1A (3) C.P.C to receive 8 documents mentioned in the petition and that application was dismissed by the Court below and aggrieved by the same, this revision is filed.

2. It is seen from the orders passed by the Lower Court that the Lower Court has permitted the document No. 1 namely the invoice Original dated 04.08.1999 and rejected the documents 2 to 4 on the ground that they are xerox copies and held that after due authentication those documents mentioned in Sl. No. 2 to 4 can be received and document Nos. 5 to 8 cannot be received, holding that document Nos. 5 to 8 came into existence after the filing of the suit.

3. According to me, the stand of the learned Judge in refusing to receive the documents filed by the Defendant at the threshold is not sustainable. As rightly pointed out by the learned Counsel appearing for the revision Petitioner that this

Court has held in judgment in the matter of Muthusamy v. K. Ganesan and Anr. 2006 3 L.W. 973 following the judgment of Hon''ble Supreme Court rendered in Ramesh Kumar Vs. Kesho Ram, that the Trial Court cannot refuse to accept the document when filed by the parties and when the documents are sought to be marked as evidence, the parties are at liberty to raise objection in accordance with law and the Court can consider the same at that stage. It is further held that in in the matter of Gurusamy v. Santhanam 2006 1 L.W. 477 this Court has deprecated the practice of refusing to receive the document filed by the parties at the first instance. Considering the above judgment the order of the Lower Court in refusing to entertain the document Nos. 2 to 8 filed by the Defendant is not in accordance with law and it is set aside and the revision petition is allowed.

4. However, it is upto the Respondent to raise objections relating to admission when the documents are marked by the Defendants. The Lower Court is directed to dispose of the suit within a period of eight weeks from the date of receipt of a copy of this Order. Consequently, the connected miscellaneous petition is closed.