

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(PD)No.3832 of 2015 and
M.P.No.1 of 2015

1.R.Rani
2.R.Babu
3.R.Dhandapani
4.R.Anand

... Petitioners

vs.

Hemavathy

...Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair order and decreetal order dated 19.08.2015 in I.A.No.94 of 2015 in O.S.No.437 of 2014 on the file of XVI Additional City Civil Court, Chennai.

For Petitioners : Mr.K.P.Chandrasekaran

For Respondent : Mr.K.Premkumar

ORDER

The revision petitioners are the defendants in O.S.No.437 of 2014 on the file XVI Additional Judge, City Civil Court, Chennai. The respondent herein is the plaintiff therein.

2. It is stated that the plaintiff's side evidence was over. While so, the revision petitioner filed I.A.No.94 of 2015 in O.S.No.437 of 2014 to file two

documents viz., Settlement Deed and Reply Notice. The Trial Court, by an order dated 19.08.2015 rejected the said application. Challenging the said order, the petitioners have come up with this petition.

3. Heard the learned counsel on either side.

4. It is admitted by both sides that the Trial Court passed the said order in I.A.No.94 of 2015 since the revision petitioners produced only xerox copies of the documents.

5. It is now submitted by the learned counsel for the revision petitioners that though the application was filed to receive viz, Settlement Deed and Reply Notice, the revision petitioners would now confine their prayer in I.A.No.94 of 2015 to receive the Settlement Deed alone and they would produce the original copy of the Settlement Deed before the Trial Court.

6. In view of the aforesaid submission, I.A.No.94 of 2015 in O.S.No.437 of 2014 stands partly allowed. The revision petitioners are directed to produce the original Settlement Deed before the Trial Court, as submitted before this Court.

7. In the facts and circumstances of the case, without expressing anything on the rights of the parties, the Trial Court is directed to pass preliminary decree on merits, if it comes to the conclusion that the plaintiff has right over the properties and if it comes to the conclusion that the plaintiff has no right over the properties, the suit would also be rejected, within a period of six months.

The Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

05.10.2015

Index : Yes/No

svki

To

The XVI Additional Judge,
City Civil Court, Chennai

D.HARIPARANTHAMAN,J.,

svki

C.R.P.(PD)No.3832 of 2015

05.10.2015