

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

C.R.P.No. 1451 of 2016

And

C.M.P.No.8016 of 2016

Rajangam ... Respondent/Petitioner/Defendant

Versus

1. Kadirvel
2. Prabu
3. Kathiresan ... Petitioners/Respondents/Plaintiffs

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 05.01.2016 passed in I.A.No. 522 of 2015 in O.S.No. 335 of 2012 on the file of the I Additional District Munsif Court, Vridhachalam.

For Petitioner : Mr. T.Sezhian

For Respondents : Mr.G.Suryanarayanan

O R D E R

The petitioner marked a document as Ex.B-1 which according to him was in the nature of a family settlement. The respondents filed a petition before the trial

Court in I.A.No. 522 of 2015 contending that it was in effect a partition deed and as such, the same cannot be marked in evidence being an unregistered document. The trial Court sustained the objection. Felling aggrieved, the petitioner is before this Court.

2. The learned counsel for the petitioner contended that the document dated 31.01.1982 marked as Ex.B-1 was in effect a family settlement. According to the learned counsel, there was a recital to the effect that it would sever the relationship between the parties in future, meaning thereby, it was not a severance of status. According to the learned counsel being a document settling the property, it was rightly marked as a document on the side of the defendant.

3. The learned counsel for the respondent on the other hand justified the order. According to the learned counsel, it was nothing but a partition deed with respect to immovable property and as such the document was rightly eschewed from evidence by the trial Judge.

4. The petitioner produced a document styled as a partition deed. The document is dated 31.01.1982. The document was marked as Ex.B-1. When a challenge was made to the document, the learned Judge examined the entirety of

the document and arrived at a factual finding that it was in effect a partition deed and not a settlement deed as contended by the petitioner. The learned Judge has given his own reasons for arriving at such finding. I do not find any error or illegality in the order passed by the trial Court.

5. The Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

26.09.2016

vsg

To

I Additional District Munsif Court, Vridhachalam.

K.K.SASIDHARAN, J.

vsg

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