

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

C.R.P.(PD) No.1992 of 2016

and

CMP.No.10415 of 2016

- 1.Palanisamy
- 2.Gurusamy @ Manickam
- 3.Nachimuthu Gounder
- 4.Duraisamy
- 5.Ayyammal
- 6.N.Ravikumar
- 7.N.Nithyanandhan

... Petitioners

Vs.

- Rangasamy Gounder (died)
Easwsaramoorthy (died)
1.Govindasamy
Venkatachala Gounder(died)
2.Rukmani
3.Saraswathy
4.Pavayammal
5.muthulakshmi
6.Ammaniammal
7.Vengatathal
8.Rathinam
9.lakshmi
10.Ammaniammal
11.Venkatachala Gounder
12.Elayammal
13.Velusamy
14.Rathinasamy
15.Padmavathy

16.Seethalakshmi
17.Eswari
18.A.Rajendran

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decreetal order passed in I.A.No.200 of 2015 in O.S.No.243 of 1991 on the file of I Additional Sub Court, Erode, dated 28.03.2016.

For Petitioners : Mr.V.S.Kesavan

ORDER

Challenging the order of learned II Additional Sub Judge, Erode, passed in I.A.No.200 of 2015 in O.S.No.243 of 1991 on 28.03.2016, the present revision has been filed.

2.Heard learned counsel for petitioners.

3.Petitioners are the plaintiffs in O.S. No.243 of 1991 on the file learned Principal Subordinate Judge, Erode, seeking partition and separate possession. Pending the suit, petitioners/plaintiffs filed I.A.No.200 of 2015 to issue summon to the petition mentioned witness on their side and give evidence with regard to the registered will dated

13.11.1981. The Court below, under the impugned order, dismissed such application. Hence, this revision.

4. In dismissing the application, the Court below has reasoned that one Nanjayammal executed a registered Will dated 13.11.1981 in favour of the petitioners. The testatrix died on 08.2.1986. The original Will was lost during the life time of Nanjayammal. A registration copy of the said Will was marked as Ex.A1. Reasoning that the examination of the present Sub-Registrar, on both the thumb impression and signature of the testatrix cannot be held as a conclusive proof, evidence of the Sub-Registrar will serve no purpose and that the plaintiffs have filed the said application only to protract the proceedings, Court below dismissed the I.A.

5. This Court finds no reason to interfere with the order under challenge.

C.T.SELVAM.J,

kkd

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

18.07.2016

Index:Yes/No
Internet:Yes
kkd

To
The I Additional Sub Court,
Erode.

C.R.P.(PD) No.1992 of 2016
and
CMP.No.10415 of 2016