

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **24.10.2016**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D.) No.286 of 2016

T.Sivasubramaninan : Petitioner
versus

1.Sundari Subramanian

2.C.Geethanjali

3.K.Malliga

4.T.Ekambaram : Respondents

PRAYER: Revision filed against the order dated 7.1.2016, in I.A.No.12782 of 2015 in O.S.No.4362/2010 on the file of the III Assistant Judge, Chennai.

For petitioner : Mr.M.Aravind Subramaniam

For respondents : Mr.C.Uma Shankar, for respondents 1 and 3

ORDER

Respondents 1 to 3 filed a suit for partition. The suit was contested by the petitioner by filing written statement. During the course of trial, respondents 1 to 3 filed an application in I.A.No.12782 of 2015 to issue subpoena to the Manager, Indian Overseas Bank, Washermanpet Branch, Chennai, to produce accounts in respect of Tmt.T.Saraswathi and Thiru.T.Ekambaram, for the period from 1 November 2009 to 28 February 2010. The application was allowed by the learned Trial Judge,

notwithstanding the objection raised by the petitioner. The order dated 7 January 2016 is now challenged in this civil revision petition.

2. The learned counsel for the petitioner submitted that the observation made by the learned Trial Judge in the order impugned in this civil revision petition to the effect that the documents summoned is for the purpose of proving oral partition alone made the petitioner to file this civil revision petition.

3. The learned counsel for respondents 1 to 3 on the other hand submitted that it was only to prove that a joint account was opened in the name of Tmt.T.Saraswathi and Thiru.T.Ekambaram and it was operated for the period from 1 November 2009 to 28 February 2010 application in I.A.No.12782 of 2015 was filed. According to the learned counsel, Bank Manager was not expected to speak about the oral partition and as such, the apprehension raised by the petitioner has no basis.

4. Respondents 1 to 3 wanted the Manager, Indian Overseas Bank, Washermanpet to produce statement of accounts for the period from 1 November 2009 to 28 February 2010. The respondents 1 to 3 wanted the Manager to produce accounts only to prove that such an account was opened by Tmt.T.Saraswathi and Thiru.T.Ekambaram and it was operated for the period from 1 November 2009 to 28 February 2010. There is no

question of directing the Manager to give evidence whether there was oral partition. These are all matters to be pleaded and proved by the parties. I am therefore of the view that the learned trial Judge was correct in allowing the application and directing subpoena to be issued to the Bank Manager, Indian Overseas Bank, Washermanpet.

5. The civil revision petition is dismissed with the above observation. No costs. Consequently, C.M.P.No.1359 of 2016 is also dismissed.

6. The suit is of the year 2010. The learned Trial Judge is requested to dispose of the suit as expeditiously as possible.

24.10.2016

Index:Yes/no
tar

To
The III Assistant Judge, Chennai.

K.K.SASIDHARAN, J.

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