

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CRP (PD) No.871 of 2016

and

CMP.No.4803 of 2016

1.Muthulakshmi

2.Nalini

3.Ashokan

4.Rajan

... Petitioners

vs

1.Selvaraj

2.Anbumani

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order and decretal order passed in I.A.No.6885 of 2015 in O.S.No.4589 of 2014 on the file of XVI Assistant City Civil Court, Chennai dated 19.08.2015.

For Petitioners : Mr.G.Suryanarayanan

For Respondents : Mr.Ravichandran Sundresan

ORDER

This revision challenges the order of learned XVI Assistant City Civil Court, Chennai, passed in I.A.No.6885 of 2015 in O.S.No.4589 of 2014 on 19.08.2015.

2. First respondent/plaintiff has filed O.S.No.4589 of 2014 seeking a direction to defendants 1, 2, 4 and 5 to produce the original deed of Family Arrangement dated 13.06.2013 and in the face of the defendants stand that there was no such document, passed an order, permitting the plaintiff to mark xerox copy of the family arrangement deed, subject to proof and relevancy.

3. Learned counsel for petitioners would submit that the document ought to be relied upon was one compulsorily registrable and in the absence of registration, the document could not be marked.

4. It is submitted by the learned counsel for first respondent/plaintiff that even in the absence of registration, the document could be marked for collateral purpose.

5. Considering the rival submissions, this Court is of the view that interests of both sides could be safeguarded if the first respondent/plaintiff is permitted to mark the xerox copy of the partition deed of family arrangement, subject to admissibility, relevance and proof. The order of court below is modified to the extent indicated.

The Civil Revision Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

16.06.2016

Index:yes/no
Internet:yes
kkd

To

The XVI Assistant City Civil Court,
Chennai.

C.T.SELVAM, J

kkd

CRP (PD) No.871 of 2016
and
CMP.No.4803 of 2016

16.06.2016