

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMAINAM

C.R.P.(P.D.) No.3180 of 2012

and

M.P.No.1 of 2012

D.Kuppuraj

... Petitioner

Vs.

Madeswari

... Respondent

**Prayer:** Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and final order dated 16.06.2012 in I.A.No.1012 of 2011 in O.S.No.187 of 2009 on the file of the Principal Subordinate Judge, Erode.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.V.Lakshmi Narayanan

**ORDER**

This Civil Revision Petition is filed against an order dated 16.06.2012 passed in I.A.No.1012 of 2011 in O.S.No.187 of 2009 by the Principal Subordinate Judge, Erode.

2.The petitioner is the defendant in the suit and the suit is filed for specific performance. A written statement was filed in which in Paragraph 4, the petitioner/defendant has stated that one Mr.Devarajan had executed a 'Will' on 14.07.1997 in respect of the suit property. Hence, the

plaintiff filed an Application in I.A.No.1012 of 2011, under Order 11 Rule 14 CPC, seeking a direction for production of the 'Will', which according to the plaintiff is in the custody of the defendant.

3.The learned counsel appearing for the petitioner/defendant opposed the Application by stating that no such 'Will' is in the possession of the petitioner/defendant, as contended by the opposite party.

4.Considering the facts and circumstances of the case, the trial Court allowed the Application on 16.6.2012, directing the defendant in the Suit to produce the copy of the 'Will' as a document, more specifically for the purpose of examination and cross examination. However, the trial Court itself had assigned reasons by stating that if the said 'Will' has not been produced, the Court would draw inference while framing issues in the Suit. Such being the findings of the trial Court, this Court is not inclined to consider the grounds raised in the present Civil Revision Petition.

5.Accordingly, CRP.No.3180 of 2012 is dismissed and the order passed by the trial Court I.A.No. 1012 of 2011, is confirmed. No Costs. Consequently, connected Miscellaneous Petition is also closed.

**09.12.2016**

Index : Yes.

Internet : Yes.

rm/rpa

To  
The IV Additional District Judge,  
Erode.

**S.M.SUBRAMANIAM,J.**

Rm/rpa

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