

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.1494 & 1495 of 2011
& M.P.No.1 of 2011

Jayalakshmi

.. Petitioner in
both the CRP's

Vs.

1.M/s.Kaveri Enterprises, a Partnership
Firm, rep.by its partner E.N.Palanisamy
Coimbatore road
Ellappappampalayam, Avinashi Taluk.

2.E.N.Palanisamy
3.K.Subbaiyyan
4.Sarojini
5.R.Srinivasan
6.R.Sampathkumar
7.Gandhimathi

8.Annur Kaveri Spin Textiles
Private Limited rep.by its
Director E.N.Sivagami
514, Ganesapuram post
S.S.Kulam via, Coimbatore-641 107.

.. Respondents 1
to 8 in CRP. No.1494 of

2011

.. Respondents 1
to 3 in CRP No.1495 of 2011

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 10.01.2011 made in I.A.Nos.1092 and 897 of 2010 in O.S.No.257 of 1996 on the file of the District Munsif Court, Avinashi.

For Petitioner : Mr.C.R.Prasanan

For R1 to R3 : Mr.S.Parthasarathy
Senior Counsel for
Mr.K.Goviganesan
for both CRP's

For R4 to R8 : No appearance

COMMON ORDER

The Civil Revision Petitions are filed against the fair and decretal order dated 10.01.2011 made in I.A.Nos.1092 and 897 of 2010 in O.S.No.257 of 1996 on the file of the District Munsif Court, Avinashi.

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2. The petitioner is the second plaintiff, respondents 1 to 3 are the defendants 1 to 3 and respondents 4 to 8 are the defendants 5 to 9 in O.S.No.257 of 1996. The petitioner filed suit

for declaration of title and recovery of possession. The respondents filed written statement and are contesting the suit. The petitioner let in evidence and closed her side. The respondents examined D.W.1 in chief and when the suit was posted for cross examination of D.W.1, the respondents filed I.A.No.897 of 2010 to condone the delay in receiving the documents mentioned in the petition. The respondents have sought for marking many documents. At the time of cross-examination of D.W.1, the respondents produced insufficiently stamped unregistered rectification deed dated 04.04.1974 alleged to have been executed by one Ramasamy gounder, father of the first plaintiff/deceased Rathnasabapathy.

3. The petitioner filed I.A.No.1092 of 2010 to determine as to marking of the alleged document dated 08.11.1973. The character of document is sale deed and she stated that the said document is inadmissible in evidence as the same is insufficiently stamped and unregistered. The respondents filed counter affidavit and opposed the said application.

4. The learned Judge considering the averments made in the

affidavit, counter affidavit and materials available on record, dismissed I.A.No.1092 of 2010 filed by the petitioner and allowed I.A.No.897 of 2010 filed by the respondents.

5. Against the order of dismissal dated 10.01.2011 made in I.A.Nos.1092 and 897 of 2010 in O.S.No.257 of 1996, the petitioner filed the present two civil revision petitions.

6. Heard the learned counsel for the petitioner as well as the learned Senior Counsel for the respondents 1 to 3 and perused the materials available on record.

7. The learned Senior Counsel for the respondents 1 to 3 on instructions submitted that the respondents 1 to 3 are not going to rely on the documents and the said documents received at the time of cross examination of D.W.1 may be returned to the respondents.

8. At this juncture, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw C.R.P.No.1495 of 2011 filed against the order dated 10.01.2011 made in I.A.No.897 of 2010 and he has also made an endorsement to that effect.

9. Recording the endorsement made by the learned counsel for the petitioner, C.R.P.No.1495 of 2011 is dismissed as withdrawn. C.R.P.No.1494 of 2011 is disposed of with a direction to the learned District Munsif, Avinashi, to return the documents received at the time of cross examination of D.W.1 to the respondents and the learned Judge is also directed to dispose O.S.No.257 of 1996 on merits and in accordance with law, as expeditiously as possible in any event not later than three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

23.08.2017

Index : Yes/No
dm/kj

सत्यमेव जयते

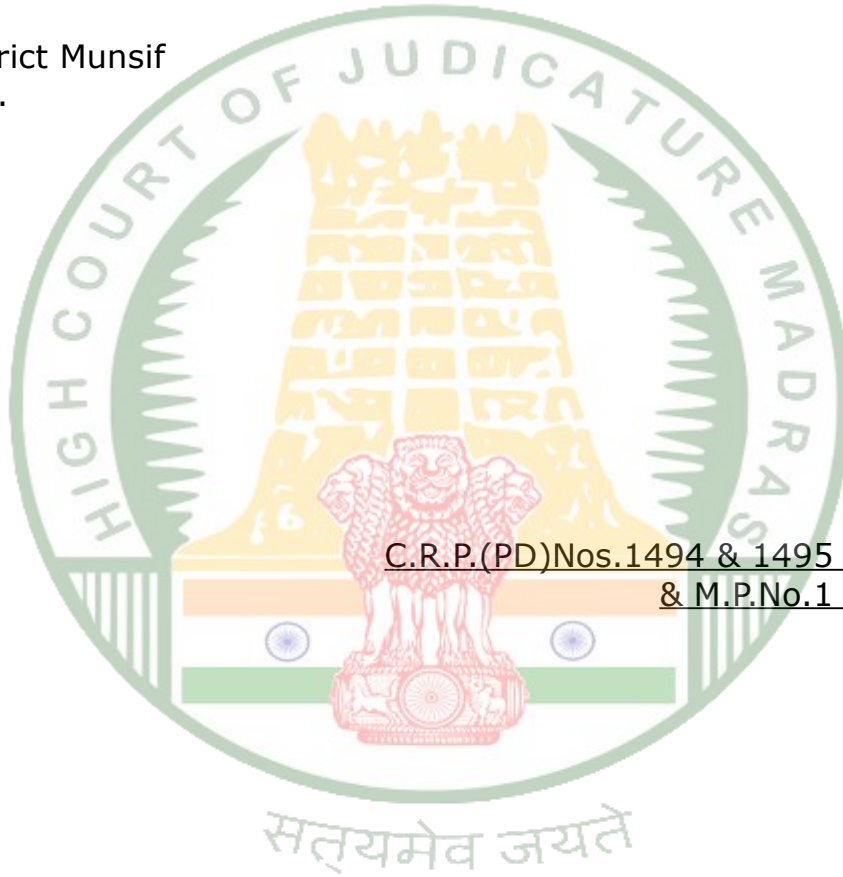
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V.M.VELUMANI, J.

dm/kj

To

The District Munsif
Avinashi.



C.R.P.(PD)Nos.1494 & 1495 of 2011
& M.P.No.1 of 2011

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