

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

C O R A M

THE HONOURABLE Mrs.JUSTICE **PUSHPA SATHYANARAYANA**

C.R.P.P.D.Nos.594 to 599 of 2017
and C.M.P.Nos.3085 to 3090 of 2017

M.M.Kumaresan .. Petitioner in C.R.P.P.D.No.594 of 2017

-Vs.-

1. M.Shanmugavadivu
2. K.Malathi
3. K.Raviganesh
4. K.Raja Vikram
5. Dr.L.P.Thangavelu
6. Shanthi Thangavelu .. Respondents in C.R.P.P.D.No.594 of 2017

Prayer in C.R.P.P.D.No.594 of 2017:

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order made in I.A.No.389 of 2016 in O.S.No.770 of 2008 dated 16.09.2016 on the file of the V Additional District Judge, Coimbatore.

For petitioner ... Mr.V.Rameshvel for
in all C.R.Ps Mr.C.Veeraraghavan

For Respondents ... Mr.M.Roshan Atiq
in all C.R.Ps

C O M M O N O R D E R

There are six revisions filed by the first defendant in a suit for

partition challenging the order allowing to re-open, re-call and marking of the documents, which were allowed on terms and also the orders by which the time was extended for compliance of the said order.

2. Admittedly, the suit is in the stage of arguments. The re-opening and re-calling have been sought for only for the purpose of producing certain documents which are the plaint, written statement, Will, decree and judgment in suits in O.S.No.3819 of 1996, O.S.No.3821 of 1996 and O.S.No.3933 of 1996 on the file of the District Munsif Court, Coimbatore. They are said to be the earlier proceedings between the parties and their predecessors. The trial Court has held that the marking of these documents revolve upon the present case and it would enable proper adjudication and hence the trial Court allowed these applications on payment of Rs.150/- to each respondent in each application. However, the plaintiff has not complied with the same within time and there was a delay in paying the costs. Hence the applications were also filed for enlargement of time. The said applications were allowed by extending the time till 17.10.2016. It is also stated that the costs have been deposited.

3. It is contention of the learned counsel for the revision

petitioner/first defendant that the documents are irrelevant and totally not connected to the pleadings. It is open to the defendants to raise all objections to the said documents and the same may be considered and recorded by the learned Judge at the time of arguments. The trial Court, has, in its exercise of discretion, allowed the applications and this Court is not inclined to interfere with the same. However, considering the fact that the suit is of the year 2008, it has already come to the stage of arguments, the trial Judge, namely, the V Additional District Judge, Coimbatore is directed to complete the process of arguments and dispose of the suit on or before 30.04.2017.

4. With the above observations and direction, Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition are closed.

28.02.2017

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To

The V Additional District Judge,
Coimbatore.

PUSHPA SATHYANARAYANA.J

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