

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.04.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(PD)No.1350 of 2018 and
CMP.No.7089 of 2018

1. Mullaikodi
2. T.Tamilselvan
3. T.Kanmani
4. T.Murugan

... Petitioners

Vs.

1. Dhanalakshmi
2. Muthulakshmi

... Respondents

Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 03.03.2018 in I.A.No.1294 of 2018 in O.S.No.2265 of 2012 on the file of the XII Assistant City Civil Court, Chennai.

For Petitioners : Mr.A.Alagarsamy

ORDER

The civil revision petition has been filed against the fair and decreetal order dated 03.03.2018 in I.A.No.1294 of 2018 in O.S.No.2265 of 2012 on the file of the XII Assistant City Civil Court, Chennai.

2 The revision petitioners are the defendants in the suit in O.S.No.265 of 2012, filed by the respondents herein for partition. The revision

petitioners/defendants after filing their written statement, filed an interlocutory application in I.A.No.1294 of 2018 under Order 16 Rule 6 and 7 of CPC, to issue summons for the attendance of the Collector of Chennai and Tahsildar of Egmore-Nungambakkam Taluk to appear before the Trial Court for the purpose of giving evidence and to produce a copy of the allotment letter issued in favour of Veerammal, who is the mother of the plaintiffs, dated 14.11.1941 and the patta dated 13.03.1992 regarding the suit property. The respondents/plaintiffs filed their counter in the said application and contested the case.

3 The trial Court after hearing the learned counsel appearing on either side, dismissed the application by an order dated 03.03.2018.

4 Aggrieved against the said order dated 03.03.2018, the revision petitioners/defendants have come forward with the present civil revision petition.

5 Heard the learned counsel for the revision petitioners and perused the materials available on record.

6 On a perusal of the records, it reveal that the allotment letter dated 14.11.1941 issued in favour of the Veerammal was not all marked by the trial Court, even though it is filed by the respondents/plaintiffs, since it is only a xerox copy and not a certified copy. When the said document is not marked by the trial Court, it is not necessary to summon the Collector and Tahsildar of concerned Taluk to prove the genuiness of the same. Further, if at all the revision petitioners/defendants have an objection on the genuiness of the said document, there is a remedy available for them to agitate the issue during the course of trial.

7 In view of the above discussions, this Court does not find any illegality or infirmity in the order of the trial Court dated 03.03.2018 made in I.A.No.1294 of 2018 in O.S.No.265 of 2012. The revision petitioners have not made out any valid ground to interfere with the order of the trial Court.

8 In the result, the civil revision petition is dismissed. Consequently connected miscellaneous petition is closed. No costs.

13.04.2018

Index:Yes/No

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P.VELMURUGAN, J.,

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To

The XII Assistant City Civil Court, Chennai.



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