

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2018

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CRP.(PD).No.360 of 2015inMP.No.1 of 2015

SSM. Soundappan (Deceased)
Cause title accepted vide order of
Court dated 22.1.15 made in MP.No. 1 of 2014
in CRP.SR.No.66864/14

1.M.S.Elavarasan

2.Mrs.E.Pushpa

3.M.S.E.Ravinder(minor)

4.M/s.Veena Textiles Ltd.,
A Public Limited Company
within the meaning of Companies Act 1956,
having its Regd. Office at
11-F, Gandhipuram Main Road,
Komarapalayam, Salem District
Rep., by its
Director M.S.Elavarasan

5.SSM Brothers (P) Ltd.,
A Public Limited Company
within the meaning of Companies Act 1956,
having its Regd. Office at
11-F, Gandhipuram Main Road,
Komarapalayam, Salem District
Rep., by its Chairman and
Managing Director, K.Chandrasekaran

6.SSM Lakshmi Ammal Matric. Hr. Sec. School
an institution of the 12th defendant functioning
at N.H.47 Road, Komarapalayam,
Salem District
rep., by its Correspondent.

7. SSM Lakshmi Ammal Nursery School
an institution of the 12th defendant functioning
at 97, Raja Street, Komarapalayam,
Salem District
rep., by its Correspondent.

..Petitioners

vs.

1.P.Elango

2.M.S.Kummanan

3.M.S.Mathivaanan

4.Mrs.S.Pankajam

5.Mrs.E.V.Nirmala

6.K.Sudha

7.M.Vijayalakshmi

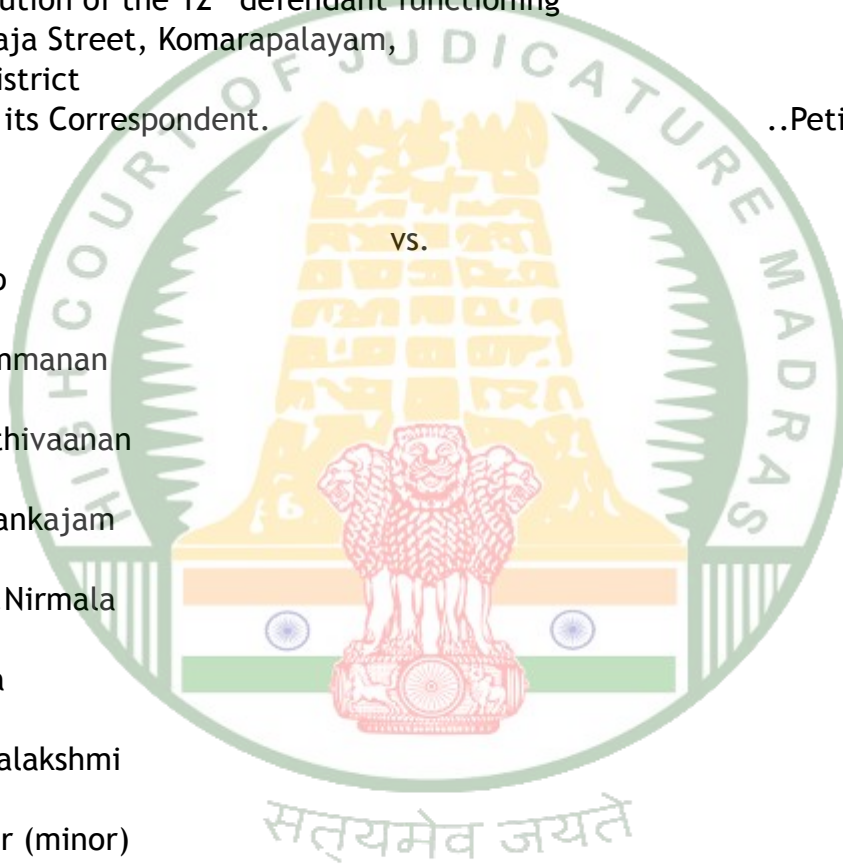
8.P.Eshwar (minor)

9.M.S.K.Purushothamman (Minor)

10.M.S.K.Chakravarthy

11.M.S.M.Dhandapaani

12.M.S.M.Lakshmi Ujjaini



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13. Tan India Ltd. (In Liquidation)
 a Public Limited Company
 within the meaning of companies Act, 1956
 having its Regd. Office at
 21, Gandhipuram Main Road,
 Komarapalayam, Salem District
 Rep., by its Managing Director
 Sri.P.Elango

14. Tan India Mines and Minerals Ltd.,
 a Public Limited Company
 within the meaning of companies Act, 1956
 having its Regd. Office at
 21, Gandhipuram Main Road,
 Komarapalayam, Salem District
 Rep., by its Managing Director
 Sri.M.S.Kumanan

15. Dawn Marketing and Agencies Company Ltd.,
 a Public Limited Company
 within the meaning of companies Act, 1956
 having its Regd. Office at
 335, Salem Main Road,
 Komarapalayam, Salem District
 Rep., by its Director
 Sri. R.Shanmugasundaram

16. S.S. Mari Chettair Trust
 a Public Charitable Trust having its
 Office at 117, Kalaimagal Street,
 Komarapalayam, Salem District.
 Rep., by its Managing Trustee
 Sri.P.Elango

17. S.S. Maari Chettiar Inst. Textile Technology
 an Institution of the 12th defendant
 Functioning at Valayakaranu,
 Salem District
 Rep., by its Correspondent.

18.S.S.Maari chettiar Lakshmi
 Ammal Community Hall,
 belonging to the 12th defendant rep.,
 by its Managing Trustee P.Elango
 Vattamalai, Salem Main Road,
 Komarapalayam,
 Salem District.

.. Respondents

Prayer :- Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the order dated 22.07.2014 passed in I.A.No.243/2014 in O.S.No.1236/2012 on file of the XIII Asst. Judge, City Civil Court, Chennai.

For Petitioners : Mr. N.P.Vijayakumar
 For RR1,5,13,16 to 18 : Mr.Ravi Raja
 : R8 & R9 minors rep. by R1
 For RR 2,3,6,7,10 to 12,14 &15 : Mr.Gupta & Mr.Ravi

ORDER

The order under challenge in the present revision is dismissing the petitioners' request to decide admissibility of memorandum of compromise filed before the Court below.

2. The memorandum of compromise which is the subject matter of the present revision is family arrangement dated 24.08.1993. The present suit is one for declaration that memorandum of family arrangement dated 24.08.1993 is legal and valid. The Court had come to the conclusion that the

legal validity of the said memorandum of family arrangement can be decided during the course of trial and hence had rejected the petitioners' prayer to decide the admissibility of the same. In the suit for declaration, when the memorandum of family arrangement recorded dated 24.08.1993 is questioned, the document would be a vital document. The ground raised before the trial Court is that the document is unstamped and therefore is not admissible in evidence. The trial Court had also taken into consideration that the suit is posted for trial and at this stage admissibility of the document was in question. It is not in dispute that the suit document was produced along with the suit, which was filed in the year 1998, renumbered in the year 2012. Nothing prevented the petitioners herein from filing this application and at an earlier point of time. Even otherwise, the question of admissibility can always be raised by the petitioners during the course of trial and final arguments.

3. As such, at this belated stage, it would not be appropriate to decide the admissibility of the same when the right is always available to the petitioner herein. As such, no prejudice would be caused to the petitioners in view of the impugned order passed.

M.S.RAMESH, J.

vsn/dh

4. Hence, the Civil Revision Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

05.12.2018

Index:Yes/No

Internet:Yes/No

vsn/dh

To

The XIII Asst. Judge, City Civil Court,
Chennai.

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