

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.04.2018

CORAM

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRP.No.4193 of 2017

and

CMP No.19661 of 2017

Sankar

....Petitioner/Petitioner/Plaintiff

.Vs.

Palanisamy(deceased)

1. Velusamy

2. Murugesan

3. Arukkani

4. Saraswahi

5. Maniammal @ Mani

....Respondents/Respondents/Defendants

Prayer : Civil Revision Petition is filed Under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 04.10.2017 made in I.A.No. 997 of 2017 in O.S.No.315 of 2008 on the file of the learned District Munsif Court, Dharapuram by allowing this Civil Revision petition.

For Petitioner : Mr.T.Gobinath

For Respondents : No appearance

O R D E R

This application has been filed to call for the records to set aside the fair and decreetal order dated 04.10.2017 made in I.A.No. 997 of 2017 in O.S.No.315 of 2008 on the file of the learned District Munsif Court, Dharapuram by allowing this Civil Revision petition.

2. According to the learned counsel for the petitioner the vital document required for the case was with one Mr.Vijaykumar, who has acquired the 3rd defendant property through the sale deed as per Ex.B1 and he should be examined, to ascertain whether the sale executed by the third defendant is valid or not.

3. The learned counsel for the respondent contends that the sale executed by one Mr.Vijay kumar is valid and the property belongs to the third defendant as it was allotted to him during the partition. He further contends that the documents was with the Tamil Nadu Industrial Investment Corporation and it could not be obtained through the Right to Information Act,2005 also.

4.The Trial Court after perusing the documents produced in I.A.No.997 of 2017 in O.S.No.315 of 2015 dismissed the petition and passed a decreetal order dated 04.10.2017.

5. Aggrieved against the order passed by the Trial Court the revision petitioner has approached this Court by way of revision petition.

6.The learned counsel for the petitioner, further states that if the said Mr.Vijaykumar appears in person in the Trial Court and produces the documents no prejudice will be caused to the respondents.

7. Considering the facts and circumstances of the case, this Court is inclined to direct the petitioner to produce the necessary documents before the Trial Court on 17.04.2018. After producing the documents, the learned Judge, District Munsif Court, Dharapuram is directed to reopen the evidence of the plaintiff and issue summons to the said Vijaykumar and examine him on 10.06.2018 itself. After completing of his evidence is directed to dispose the suit in accordance with law within a period of two months from the date of receipt of a copy of this order.

8. With the above observations this Revision petition is disposed of. Consequently the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

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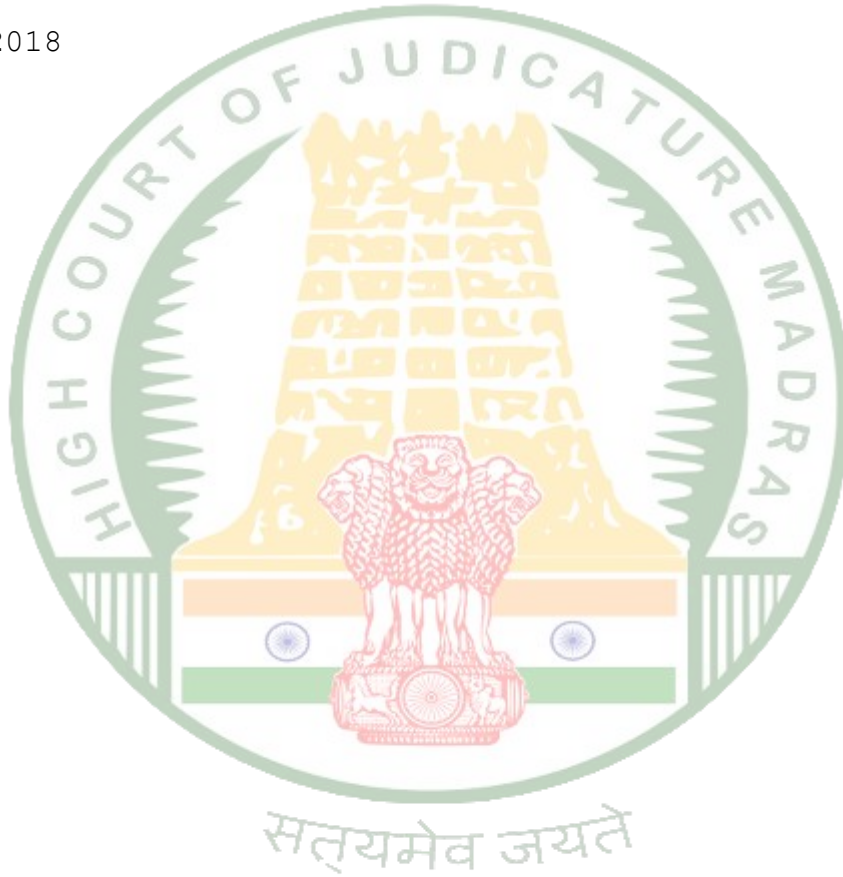
To,

The District Munsif Court,
Dharapuram.

+1cc to Mr.T.Gobinath, Advocate sr.no.25410

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nr 01/06/2018



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