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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.10.2018
CORAM :
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) Nos.687 to 689 of 2018
and
C.M.P. (MD) No.3049 of 2018

Dr.Manoharan

... Petitioner(in all petitions)

Vs.

1.Lakshmi
2.N.Kaliyamoorthy
3.N.Sankar
4.N.Ramani

... Respondents (in all petitions)

Common Prayer: Civil Revision Petitions - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 01.02.2018 made in I.A.No.144, 160 and 170 of 2017 in O.S.No.110 of 2004 on the file of the II Additional District and Sessions Judge, Thanjavur and to allow the above Civil Revision Petitions.

For Petitioners : Mr.M.Vijayarathinam
For R-1 : Mr.Michael Heldon Kumar
For R-2 to R-4 : Mr.M.P.Senthil
(in all petitions)

COMMON ORDER

O.S.No.110 of 2004 on the file of the II Additional District Judge, Thanjavur is the suit for partition. The revision petitioner is the first defendant in the suit. The revision petitioner filed three IAs in the said suit. I.A.No.144 of 2017 is for reception of an additional written statement and other two for receiving certain documents in evidence. These three IAs were dismissed. Challenging the same, these civil revision petitions have been filed.

2. I am of the view that since the trial is yet to be commenced, no objection can be taken for reception of additional written statement. In this view of the matter, the order impugned in C.R.P.(MD)No.687 of 2018 is set aside and CRP(MD)No.687 of 2018 is allowed. Likewise, the revision petitioner can be permitted to file the documents that are the subject matter of I.A.Nos.160 and 170 of 2017. Of course, the trial Court cannot straight away receive any evidence / documents. It is open to the plaintiff as well as the contesting defendants to raise all the objections with regard to their proof and relevancy. Subject to this, the orders impugned in CRP(MD)Nos.688 and 689 of 2018 are set aside and CRP(MD) Nos.688 and 689 of 2018 are also allowed.



3. Contesting defendants are entitled to file an additional written statement in view of the order passed in CRP(MD)No.687 of 2018. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(AS)

Sub Assistant Registrar(CS-I)

To:

The II Additional District and Sessions Judge,
Thanjavur.

+1CC to Mr.M.Vijayarathinam, Advocate, SR.No.91384

+1CC to Mr.M.P.Senthil, Advocate, SR.No. 91347

Common Order made in
C.R.P. (MD) (NPD) No.687 to 689 of 2018
23.10.2018

SM

ES/SKN/RSK/SAR 1/27.11.2018/2P/4C