



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (PD) Nos.1001 and 1002 of 2017

and

C.M.P. (MD) No.4533 of 2017

Sivasubramanian (died)

Balu

... Petitioner/Petitioner/Plaintiff
(in both petitions)

Vs.

Adhimoola Mudaliar Estate,
Sundaraperumal Koil,
Represented by its Trustees,
South Street,
Sundaraperumalkoil,
Kumbakonam Taluk,
Thanjavur District.

1.Govindarajulu Mudaliar

2.Ganapathi Mudaliar

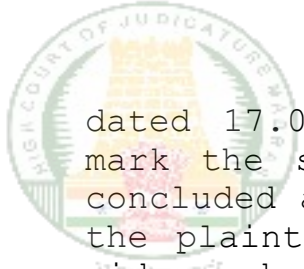
3.Deshinamoorthy Mudaliar ... Respondents/Respondents/Defendants
(in both petitions)

Common Prayer: Civil Revision Petitions - filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.179 and 180 of 2017 in O.S.No.184 of 2002 dated 18.04.2017 on the file of the Principal Subordinate Judge, Kumbakonam and allow the civil revision petitions.

For Petitioners : Mr.T.R.Subramanian
For R-1 & R-2 : No appearance
For R-3 : Mr.R.Rajaraman
(in both petitions)

COMMON ORDER

The plaintiff in O.S.No.184 of 2002 on the file of the Principal Sub Court, Kumbakonam is the revision petitioner herein. The suit has been filed for directing the defendants to perform the suit obligations as per the provisions of the Registered will



dated 17.03.1951 and for other reliefs. The plaintiff did not mark the said will sofar. Marking evidence on either side got concluded and the matter was posted for arguments. At this stage, the plaintiff filed I.A.No.179 and 180 of 2017 for reopening his side and marking the said document. Considering the belated nature of the applications, the Court below dismissed both Interlocutory Applications. Challenging the same, the civil revision petitions have been filed.

2. I am of the view that since this is a matter concerning a Trust and the suit itself has been lodged on the strength of the will in question, the plaintiff can be permitted to mark the same. In this view of the matter, the orders impugned in this civil revision petition are set aside. Accordingly, the civil revision petitions are allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Joint Registrar (Judicial)

/True Copy/

Sub Assistant Registrar (CS-I)

To:

The Principal Subordinate Judge,
Kumbakonam.

+ 1 CC TO Mr.T.R.SUBRAMANIAN, ADVOCATE IN SR No. 88885
+ 1 CC TO Mr.R.RAJARAMAN, ADVOCATE IN SR No. 88796

SM

TE/RP/SAR-1 : 30/10/2018 : 2P/4C

Common Order made in
C.R.P. (MD) (PD) No.1001 and 1002 of 2017
05.10.2018