



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) .No.1788 of 2017

and

C.M.P. (MD) No.9563 of 2017

1.Saroja
2.Kannan
3.Manoharan
4.Vasanthi
5.Chitra

... Petitioners

Vs.

1.Kothandaraman
2.Thulasiammal
3.Dhanalakshmi
4.Prema

... Respondents

PRAYER: Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 26.07.2017 made in I.A.No.305 of 2017 in O.S.No.173 of 2010 on the file of the Principal Sub Court, Kumbakonam and allow this Civil Revision Petition.

For Petitioners : Mr.G.Gomathi Sankar
For R1 : Mr.S.Raja Prabhu
For R2 and R3 : No appearance

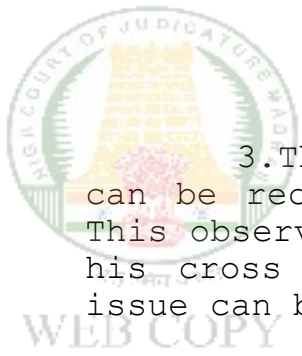
:R4- Retd with Endosment'Lest'

ORDER

The revision petitioners are figuring as defendants 4 to 9 in O.S.No.173 of 2010 on the file of the Principal Sub Court, Kumbakonam. The first respondent herein instituted the said suit seeking the relief of partition. The revision petitioners opposed the suit claim and they have filed written statement in that regard. In the written statement certain documents said to have been returned by the plaintiffs are referred to. But while filing the written statement only photocopies were enclosed. Now the revision petitioners want the original document to be received in evidence. Since, there was a delay, therefore, they filed I.A.No.305 of 2017 for receiving those documents after condoning the delay. The Court below by order dated 26.07.2017, dismissed the said I.A. Questioning the same, this Civil Revision Petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard learned counsel on either side.



3.This Court is of the view that the documents in question can be received in evidence subject to proof regarding relevancy. This observation is made because the plaintiffs during the course of his cross examination denied having written those letters. This issue can be decided in the main suit.

4.Accordingly, the order impugned in this Civil Revision Petition is set aside and this Petition is allowed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

The Principal Subordinate Judge,
Kumbakonam.

• 1 CC TO Mr.G.Gomathi Sankar , ADVOCATE IN SR No. 87861.

pnn
DS RP SAR4 09 11 2018 2P 3C

ORDER MADE IN
C.R.P. (PD) (MD) .No.1788 of 2017
and
C.M.P. (MD) No.9563 of 2017
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