



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1084 of 2016 (PD)
and
CMP(MD) No.5403 of 2016

Ramachandran (died)

1.Pappathiammal

2.Ponnammal

3.Arunachalam

Sivakami (died)

4.Palaniappan

5.Anantha Padmanabhan

6.Padmasiri

7.Santhana Gopalakrishnan @ Kannan

8.Vijayalakshmi ... Petitioners/Petitioners/Defendants

Vs.

1.Sankara Subramanian

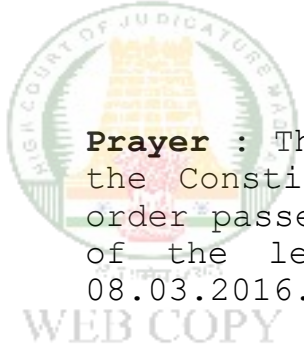
2.Sithira Puthiran

3.Veera Puthiran ... Respondents/Respondents/Plaintiffs

4.Thangammal

5.Seethalakshmi

6.Padmavathy ... Respondents/Respondents/4 TO 6 Defendants



Prayer : This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A No.456 of 2013 in O.S No.1 of 2010 on the file of the learned Principal Sub-ordinate Judge, Tirunelveli dated 08.03.2016.

For Petitioners : Mr.J.Ananth C.Rajesh

For Respondents : Mr.H.Arumugam for R1 to R4

R5 & R6 - No appearance

ORDER

O.S No.1 of 2010 was filed by the respondents 1 to 3 herein seeking the relief of partition and separate possession. In the said suit, one Ramachandran was shown as the first defendant. The said Ramachandran is none other than the brother of the plaintiffs. He passed away. His legal representatives who are the revision petitioners herein wanted a document dated 30.04.1976 executed by the mother of the plaintiffs and the first petitioner to be received in evidence. The court below by order dated 08.03.2016 declined to do so. Questioning the same, this civil revision petition has been filed.

2.The learned counsel appearing for the revision petitioners reiterated the contentions set out in the memorandum of grounds. I am unable to agree with the said submission. As rightly pointed out by the learned counsel for the contesting respondents, the document in question on a fair reading clearly shows that it is only a settlement deed and not a Will. Since such a document requires to be stamped as well as registration, the court below declined to receive the same in evidence. This document is not going to serve any collateral purpose.

3.In this view of the matter, the reasons assigned by the court below are definitely sound in law. The order impugned in this civil revision petition cannot be faulted and it is sustained.

4.This civil revision petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd

ASSISTANT REGISTRAR (CS II)

TRUE COPY

SUB ASSISTANT REGISTRAR (CS III)

Skm



To

1. The Principal Sub-ordinate Judge, Tirunelveli District.

1CC TO MR. ANANTH C. RAJESH, ADVOCATE SR 81960

1CC TO MR. H. ARUMUGAM, ADVOCATE SR 81812

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