



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) No.1866 of 2018 (PD)

and

C.M.P. (MD) No.8149 of 2018

M.Pitchai Pillai

... Petitioner/1st Respondent/1st Defendant

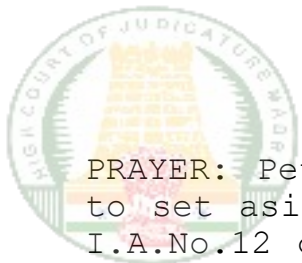
Vs.

- 1.M.Nagarajan
- 2.S.Venkateswaran
- 3.S.Kumarasamy
- 4.S.Sridevi
- 5.S.Gandhimathi
- 6.S.Raman
- 7.S.Hariharan
- 8.S.Rajalakshmi
- 9.S.Meenakshi
- 10.S.Ayyappan
- 11.S.Saravan
- 12.S.Seenivasan
- 13.S.Nagarathinam
- 14.S.Kavitha
- 15.S.Rajeswari
- 16.S.Anusiya
- 17.M.Muthukumar
- 18.N.Banumathi
- 19.D.Umarani @ Singari
- 20.D.Navakumari
- 21.V.Kasthuri @ Packiam
- 22.M.Arunachalam
- 23.M.Krishnamoorthy
- 24.M.Murugan
- 25.M.Meenakshisundaram
- 26.Revathi
- 27.S.Janani
- 28.S.Navaneethan
- 29.Indira

30.The District Collector,
Office of the District Collector,
Madurai-625 020.

31.The Tahsildar,
Vadipatti Taluk, Taluk Office Building,
Vadipatti,
Madurai District.

... Respondents



PRAYER: Petition filed under Section 227 of Constitution of India, to set aside the order made on 16.07.2018 in I.A.No.164 of 2018 in I.A.No.12 of 2016 in O.S.No.91 of 2016 on the file of the Court of the District Munsif, Vadipatti.

WEB COPY

For Petitioner : Mr.M.S.Balasubramania Iyer
For Respondents : Mr.S.Manohar
2 to 4
For Caveator

ORDER

The revision petitioner is the first defendant in O.S.No.91 of 2016 on the file of the District Munsif Court, Vadipatti. It is a suit for declaration and to set aside the judgment and decree in O.S.No.223 of 2013 on 23.04.2014 as null and void and to declare that they are the legal heirs of one Manikapillai through his second wife. In the said suit, the plaintiffs filed I.A.No.164 of 2018 for reception of two registered documents. The Court below by order dated 16.07.2018 allowed the same. The correctness of the said order is questioned in this civil revision petition.

2.The learned counsel appearing for the revision petitioner has pointed out that what has now been received are not original documents. If the plaintiffs want to mark the certified copies, they must give explanation as to why secondary evidence is sought to be adduced. In the absence of such explanation, the certified copies of the documents could not be straight away marked as exhibits.

3.This Court finds considerable force in the said submission. Therefore, it is clarified that reception of the documents is subject to the explanation to be offered by the plaintiffs as to why secondary evidence has been adduced.

4.With this observation, this civil revision petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-IV)

To
The District Munsif, Vadipatti.

+1CC TO MR.S.MANO HAR, ADVOCATE IN S.R.NO.81089.
+1CC TO MR.M.S.BALAKRISHNAN, ADVOCATE IN S.R.NO.80890.

RMI

DS RSK SAR-4 12.10.2018 3P /4C

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