

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).No.743 of 2019
&
C.M.P.No.4816 of 2019

Krishnaveni (Died)

1.Parameshwaran

2.Kothai Nayaki

3.vinayga Moorthy

4.Subramanian

...Petitioners

Vs

1.Jayarama Mudaliyar

2.Vijayalakshmi

... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 10.01.2018 made in I.A.No.186 of 2017 in O.S.No.137 of 2010 on the file of the Subordinate Court, Vaniyambadi.

For Petitioners : Mr.Prabakaran.C

ORDER

The above Civil Revision Petition is filed challenging the order of the learned Subordinate Judge, Vaniambadi in I.A.No.186 of 2017 in O.S.No.137 of 2010 whereby the learned Judge has allowed the application moved by the respondent herein under the Provisions of Order XIII Rule 8 of the Code of Civil Procedure to impound the Will dated 20.10.1980 and keep it in safe custody.

The reasons for seeking the above impound and safe custody has been narrated in the petition filed in support of the interlocutory application. It is stated that the document is over 30 years old and is in a state of tatters. In order to safeguard the Will, which is the basis of the defense, the petitioner has come forward with the said petition. The said petition has been allowed.

Challenging the same the revision petitioners are before this Court. Heard Mr.Prabakaran.C, learned counsel for the revision petitioners. It is seen that the petition is simplicitor one for keeping an old document in safe custody and it does not in any manner touch upon the validity/genuineness of the document which has to be proved in the manner known to law. No prejudice is caused to the petitioner by the impound order.

In the result, the Civil Revision Petition is dismissed. Consequently, connected Civil Miscellaneous Petition is also closed. There shall be no order as to costs.

26.02.2019

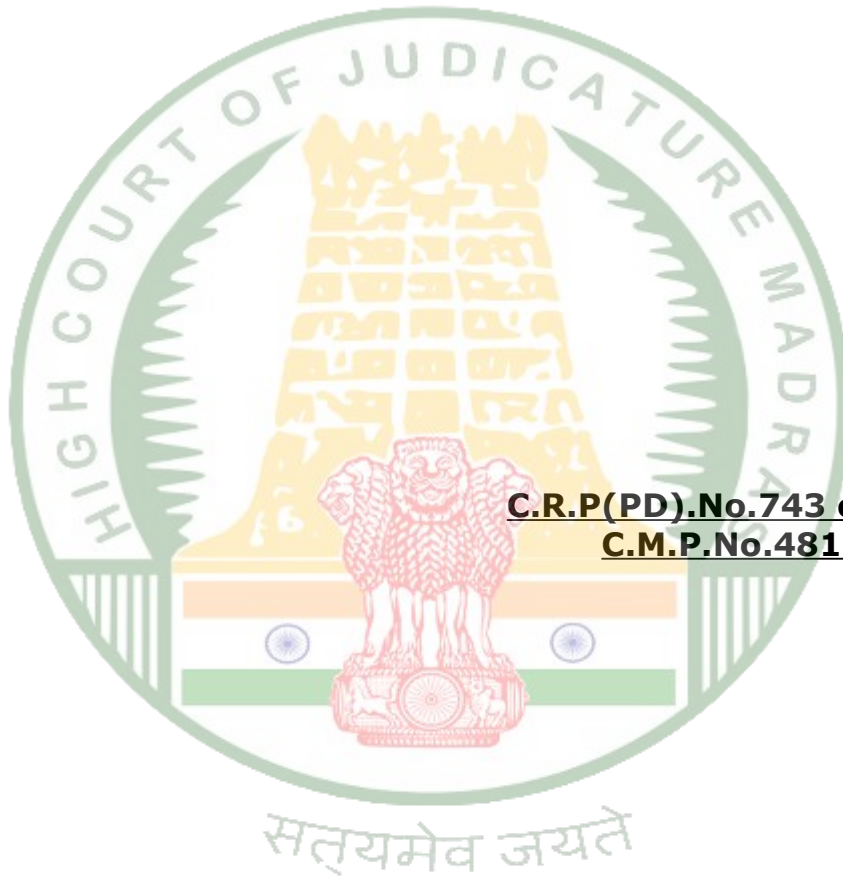
kan
Index : Yes/No
Speaking order/non-speaking order

To,
The Subordinate Judge,
Vaniyambadi

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P.T.ASHA, J.,

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