

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(PD)No.1168 of 2019

and

CMP.No.7480 of 2019

M. Deepa

... Petitioner

-VS-

1. Mr. V.S. Palanisamy

Mrs.Thayammal (Died on 14-01-2019)

2. The Manager, Coimbatore City,
Co-operative Bank Ltd.,
Ramanathapuram.

3. The Manager, Coimbatore City,
Co-operative Bank Ltd.,
Cross Cut Road, Coimbatore.

... Respondents

Prayer: Petitions under Article 227 of the Constitution of India praying to set aside the fair order and final order dated 17.06.2017 of the learned Principal Subordinate Judge, Coimbatore in I.A.No.40 of 2017 in O.S.No.587 of 2010.

For Petitioner : A.S.Vijayaragavan

ORDER

The above Civil Revision Petition is filed challenging the order passed by the learned Principal Subordinate Judge, Coimbatore in I.A.No.40 of 2017 in O.S.No.587 of 2010 which was a Petition filed by the defendants 1 and 2 under Order VIII Rule 3-A and section 151 of the Civil Procedure Code to receive certain documents by condoning the delay in filing the documents.

2. The said Petition was ordered despite the objection made by the revision petitioner/plaintiff on the ground that the petition was only to receive the documents and the proof and relevancy of the documents should be decided at the time of marking of the documents. The learned counsel for the petitioner raised an objection that the document being a Will has to be marked as evidence in the manner known to law and cannot be straight away marked. Considering the fact that the learned Judge has himself observed that the proof and relevancy of the documents would be decided at the time of the marking of the documents, I do not find any infirmity in the order passed by the learned Judge. Suffice it to state that when the marking of the Will takes place, the learned Judge shall ensure that the procedure known to law is followed. With this observation, the Civil Revision Petition is dismissed. Consequently, connected

Miscellaneous Petition is closed.

28.03.2019

Index : Yes/No

Internet : Yes/No

Speaking/non-speaking order

mrn

To,
The Principal Subordinate Judge,
Coimbatore.



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P.T. ASHA, J.,

mrn



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