

C.R.P.(PD).No.1008 of 2019**P.T.ASHA, J.,**

Today the matter is posted under the caption "For Being Mentioned". The reason for bringing up the matter today under the above caption is to rectify the mistake in Paragraph No.4 of the order, wherein, the word "set aside" is to be substituted by the word "confirmed,".

The Registry is directed to carry out this correction and issue a fresh order copy to the parties.

15.07.2019

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P.T.ASHA, J.,



C.R.P.(PD).No.1008 of 2019

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15.07.2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2019

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THE HONOURABLE **Ms.JUSTICE P.T.ASHA**

CRP(PD).No.1008 of 2019

and

C.M.P.No.6679 of 2019

K.Vidyasankar ..Petitioner/Defendant

Vs

1.D.Gnanavadivel

2.A.Umamaheswari ..Respondents/Plaintiffs

This Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 09.01.2019 made in I.A.No.280 of 2018 in O.S.No.213 of 2015 on the file of the learned Sub Court, Udumalpet.

For Petitioner : Dr.R.Gouri
For Respondents : Ms.G.Masilamani,
Senior Counsel
for M/s.U.Karunakaran,
Caveator counsel

ORDER

The above Civil Revision Petition is filed challenging the order

passed by the learned Sub Court, Udumalpet in I.A.No. 280 of 2018 in O.S.No. 213 of 2015, whereby, the learned Judge had dismissed the application filed by the revision petitioner/defendant seeking to strike out the revenue records, which have been filed by the plaintiffs as Ex. P4 to P14. The reasons for seeking the striking off (which have been filed under the provisions of Order 5 Rule 16 of the Code of Civil Procedure) is that the Revenue Records have been obtained by the plaintiffs under influence and the same has been challenged by the defendant/revision petitioner in Writ Petition No. 7265 of 2017 and this Court was also pleased to stay the operation of the proceedings. Meanwhile, the documents have been marked subject to objections and the learned Subordinate Judge had dismissed the said application, stating that the objections can be considered at the time of the arguments.

2 Heard Dr.R.Gouri, learned counsel appearing on behalf of the revision petitioner and Ms.G.Masilamani, learned Senior Counsel representing for M/s.U.Karunakaran, learned counsel appearing on behalf of the respondents.

3 As rightly pointed out by the learned Special Judge, the documents have been marked subject to objections and also subject to

the outcome of the writ petition in W.P.No. 7265 of 2017. These factors can be urged and argued by the writ petitioners at the time of the arguments and the objections shall also be considered by the learned Subordinate Judge, Udumalpet, while hearing the final arguments in the suit.

4 The Civil Revision Petition is therefore dismissed with the above observations and the order passed in I.A.No.280 of 2018 in O.S.No.213 of 2015 by the learned Sub Court, Udumalpet is set aside that the objections of the revision petitioner shall be considered by the learned Judge at the time of disposal of the suit. No costs. Consequently, connected miscellaneous petition is also closed.

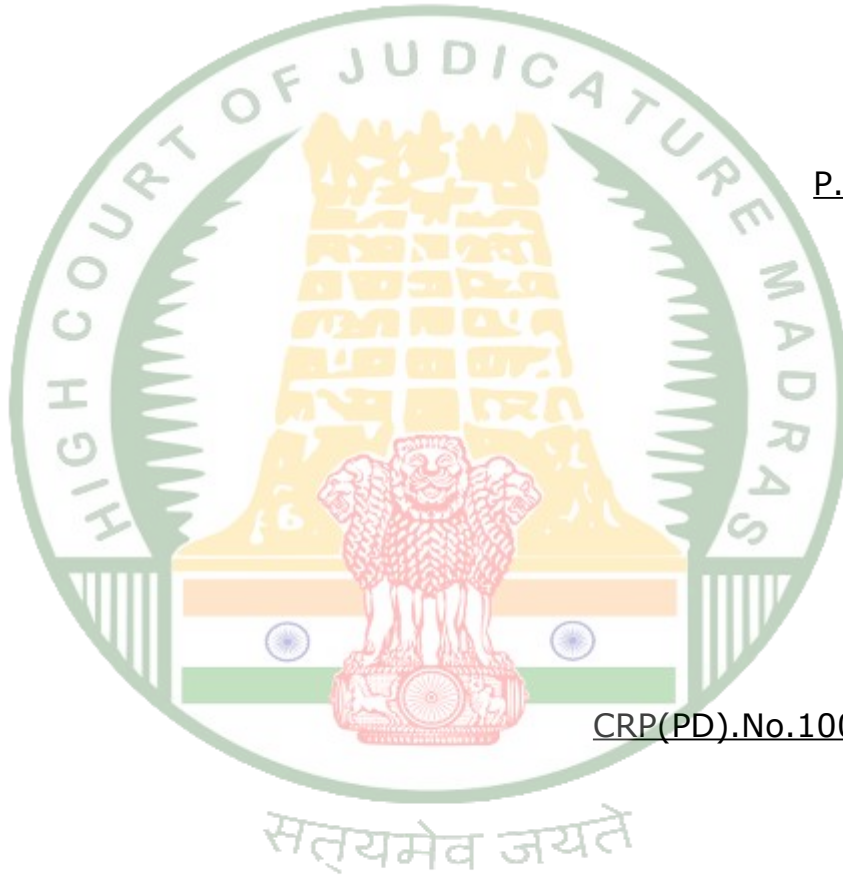
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Index: Yes/No
Internet: Yes/No
Speaking order / Non-speaking order

To

The learned Sub Court,
Udumalpet.

18.03.2019



P.T.ASHA, J.
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