

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

C.R.P.(PD).No.4901 of 2014 and
M.P.No.1 of 2014

A. Paramanandham

... Petitioner

v.

R.Narasimhan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the order and decretal order dated 24.09.2014 dismissing the petition in I.A.No.158 of 2013 in O.S.No.177 of 2004 passed by the Sub Court, Vellore.

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For Petitioner : Mr.S.Jaganathan

ORDER

Challenging the order passed in I.A.No.158 of 2013 in O.S.No.177 of 2004 on the file of the Sub Court, Vellore, the plaintiff has filed the above Civil Revision Petition.

2. The plaintiff filed the suit in O.S.No.177 of 2004 for declaration, recovery of possession and for other reliefs. The plaintiffs relied upon the four registered Wills, dated 14.4.1972, 31.01.1975, 26.04.1976 executed by Ramalingam Pillai and Ammani Ammal and a registered Will dated 09.01.1983 executed by Ammani Ammal, to claim right over the property.

3. According to the learned counsel appearing for the petitioner, the defendant admitted the execution of 3 registered Wills dated 14.4.1972, 31.01.1975, 26.04.1976 and denied the execution of the registered Will dated 09.01.1983. In these circumstances, the plaintiff took out an application in I.A.No.158 of 2013 to send for the documents viz., four Wills mentioned above, from the office of the District

Registrar, Vellore. The application filed by the plaintiff was opposed by the defendant.

4. The Trial Court, taking into consideration the case of both the parties, dismissed the application.

5. When it is the case of the petitioner that the defendant is admitting the execution of 3 Registered Wills executed by Ramalingam Pillai and Ammani Ammal, in order to prove the Will apart from examining the attesting witness under section 68 of the Indian Evidence Act, the thumb impression affixed by Ammani Ammal in the registered Will dated 09.01.1983 can be compared with the thumb impression of Ammani Ammal affixed in the other 3 Wills dated 14.4.1972, 31.01.1975, 26.04.1976. Therefore, there will not be any necessity to send or the documents from the office of the District Registrar, Vellore.

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6. In such view of the matter, I am not inclined to interfere with the order of the Trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed. Since the suit is pending from the year 2004, I direct the Sub Judge, Vellore, to dispose of the suit, within a period of six

months, from the date of receipt of a copy of this order. No costs.

Consequently, the connected miscellaneous petition is closed.

05.11.2019

Index : Yes / No

Speaking order / Non Speaking Order

Rj

To

The Sub Court,
Vellore.

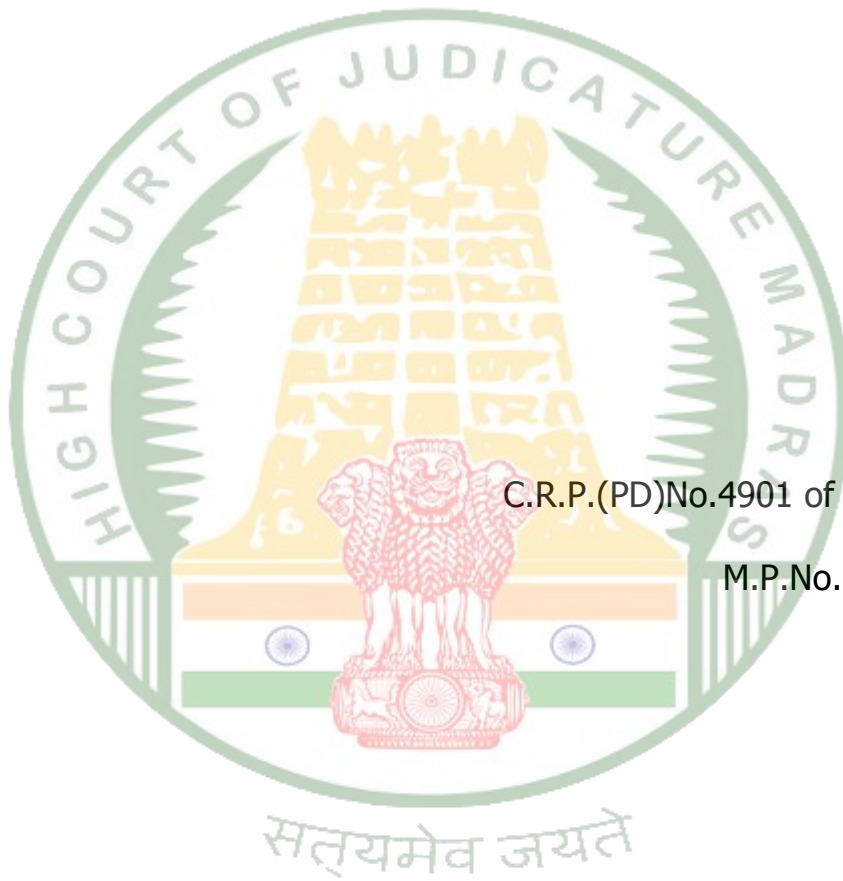


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C.R.P.(NPD).No.4901 of 2014

M.DURAI SWAMY, J.

Rj



C.R.P.(PD)No.4901 of 2014 and
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