

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17..12..2019
CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Civil Revision Petition No.4181 of 2019
&
CMP.No.27204 of 2019

1.N.Kandankutty Nair
2.Gowri
3.Sowdamini
4.K.Sadanandan
5.Vilasini

.... Petitioners

-Versus-

1.P.Shanthi
2.Lakshmi Vijayan
3.Pushpa Subramanian
P.Prabhu Kumar (Died)
4.Vijaya Kumari Mani
5.P.Prabhakaran
6.Devi Nandagopal
7.Pramalatha Chandrasekar
8.Kalaiselvi Muralidharan

सत्यमेव जयते

... Respondents

Petition filed under Article 227 of the Constitution of India, praying to set aside the order dated 23.10.2019 made in I.A.No.2 of 2019 in A.S.No.26 of 2015 by the learned III Additional District Judge, Tiruvallur at Poonamallee.

For Petitioner

: Mr.M.Raja Sekhar

ORDER

This civil revision petition is directed against the order of the learned III Additional District Judge, Poonamallee, Tiruvallur District, partly dismissing the application filed by the petitioner under order XLI, Rule 27 of CPC seeking permission to produce certain documents as additional evidence on the side of the appellants and thereby refusing to receive Doc No.4 to 13.

2. The petitioners are defendants in the suit and appellants in the appeal suit. The suit was filed for partition and separate possession which was decreed ex parte. Challenging the ex parte decree, the petitioners herein have filed an appeal in A.S.No.26 of 2015 before the learned III Addl. District Judge, Poonamallee. Pending suit, the petitioners have filed the application under revision for reception of certain documents as additional evidence on their side. On considering the available materials, the court below has allowed the application only in respect Doc.Nos.1 to 3 and dismissed the application in respect of Doc.Nos.4 to 13 holding that they were subsequent to the suit. Challenging the dismissal part of the order, the appellants have come up with this revision petition.

3. This civil revision petition is coming up today for admission. Since the order which is going to be passed would no way cause any prejudice to the other side, in the considered view of this court, no notice is necessary to the other side.

4. I have heard the learned counsel for the petitioners and also perused the records carefully.

5. From a careful perusal of the affidavit filed in support of the petition under revision would go to show that the the petitioners had not at all stated anything about the Doc Nos.4 to 13 which were refused to receive by the appellate court. None of the ingredients of Order XLI, Rule 27 of CPC were complied with while seeking permission to let in additional evidence. The learned Judge of the appellate court was right right in dismissing the application of the petitioners in respect of Doc.No.4 to 13 in which this court does not find any illegality or irregularity warranting interference at the hands of this court. Thus, the revision petition is devoid of merits and the same is liable only to be dismissed.

In the result, this civil revision petition is dismissed.
The order of the learned III Additional District Judge,
Tiruvallur at Poonamallee is confirmed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

kmk

To
1.The III Additional District Judge,
Poonamallee, Tiruvallur District

+1 cc to Mr.M.Rajasekhar Advocate sr105206

Civil Revision Petition
No.4181 of 2019

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