

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No. 513 of 2018

1.D.Selvi
2.R.Soundarapandian
3.R.Sankar
4.P.Devada
5.R.Arulmozhi

...Petitioners

Vs.

1.M/s.Shreyas Investments,
rep. By its Partner, N.Balasubramanian
2.M/s.Coramandel Beach Properties Private Limited,
rep by its Director, Monisha Ranjan
3.G.Madusudana Reddy
4.G.Thirupal Reddy
5.V.Krishnaveniammal
6.S.Dhanalakshmi
7.A.Santha
8.H.Sudha Lakshmi
9.A.Kumaran
10.A.Karthik
11.V.Kanniappan
12.V.Dhanasekaran @ Pavadai
13.P.Sathish
14.V.Kamalakanni
15.V.Malar
16.K.Karnan
17.Vijayakumar Seetharam
18.Nirmala Vijayakumar

- 19.Pranila Rabela
- 20.Margom Sundarrajan
- 21.Buvaneshwari Sundarrajan
- 22.Arvind Mathew
- 23.Ann Mathew
- 24.Gopal Srinivasan
- 25.Kowsic Gopal
- 26.Alexander Zachariah
- 27.Meera Zachariah
- 28.Sampamoorthi Nandhini
- 29.Subramani Sankaranarayanan
- 30.Sidhartha Ramachandran
- 31.Vinita Ramachandran
- 32.Pradeep Kumar Rathnam
- 33.K.Krithivasan
- 34.Niyati A.Mehta
- 36.Supraja Srinivasan
- 37.Sriram Ananth
- 38.P.V.Ravi Viswanathan
- 39.Sriganesh Ramaswamy
- 40.Pushkala Subramanian
- 41.Hariharaputhram Doraisamy
- 42.Surojit Mukherjee
- 43.Anusa Pradeep
- 44.Hema Balasubramanian
- 45.Dr.M.Balasubramanian
- 46.Nirmala Santhanam
- 47.Badrinarayanan Santhanakrishnan
- 48.P.B.Srinivasan
- 49.Sujatha Srinivasan
- 50.Anand Selvakesari
- 51.K.V.Rajasekar
- 52.Nirmala Rajasekar
- 53.Swaminath Rajagopalan
- 54.Anuradha Lakshman
- 55.P.Kanthi Visalakshi

56.N.K.Venkatraman
57.Prime International India Pvt.Ltd,
rep. By its Managing Director K.Srinivasan
58.R.Sathiyamoorthy
59.V.R.Sreedevi Sathiyamoorthy
60.K.Srinivasan
61.N.Nagaprasad
62.Trivellore Thattai Krishnagopal

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order, dated 10.08.2017 made in I.A.No. 1958 of 2016 in I.A.No. 1557 of 2013 in O.S.No. 294 of 2013 on the file of the District Munsif Court at Madurantakam, Kancheepuram District.

For Petitioners : Mr.B.Dayalan

For Respondents : Mr.S.Auxilianraj for R1
R2 & R3 – Exparte

ORDER

This revision is at the instance of the plaintiffs in O.S.No. 294 of 2013 aggrieved by the order made in I.A.No. 1958 of 2016, an application filed by the defendant, seeking permission to produce certain documents in evidence.

2. The suit is one for declaration that the plaintiffs and the defendants 5 to 16 are the absolute owners of the suit property and for

recovery of possession from defendants 1 to 4, declaring that the plaintiff as well as the 7th defendant's mother, Yasodha, defendants 5 and 6, father of the defendants 8 to 10 by name, T.G.Angamuthu, mother of the defendants 11, 12, 14 and 15 and grandmother of 13th defendant and 15th defendant, mother of the 16th defendant are the sons and daughters of the A.Ganapathy Gramani and as such the plaintiffs as well as the defendants 5 to 16 are surviving legal heirs, for injunction restraining the defendants 1 to 4 from alienating the property and from developing the property into lay out sites. Pending suit, the 4th defendant filed an application in I.A.No. 1958 of 2016 seeking to produce three sale deeds in evidence.

3. The application was resisted by the petitioners herein, namely, the plaintiffs, contending that the petition for impleading filed by them has to be disposed of. The other allegations filed in support of the petition were denied. It is also claimed that the suit property cannot be shown as access from East Coast Road to the lay out of the defendants 1 to 4. The learned Trial Judge, upon consideration of the application concluded that the application has very limited scope, in as much as, it has been filed seeking

to produce documents alone. The veracity of the documents will have to be tested only at the time of Trial. Observing so, the learned Trial Judge allowed the application. Aggrieved, the plaintiffs have come up with this revision.

4. Main contention of Mr.B.Dayaalan, learned counsel for the petitioners is that the other respondents namely, respondents 6 to 66 in I.A.No. 1958 of 2016 have not been served with notice and therefore, the Trial Court was not right in allowing the applications without notice to the other respondents. A perusal of the order of the Trial Court would show that the respondents 1 to 5 namely, the plaintiffs in the suit are represented by the counsels and the respondents 6 to 66 have been called absent and set exparte. This would lead to a presumption of service of notice on them. It is not for the petitioners to claim that non-service of notice on those respondents would vitiate the orders. If the other respondents were not actually served and they are aggrieved by the order, it is open to them to approach the Court seeking to set aside the exparte order and for other reliefs. It is not for the petitioners to plead the cause of the other

respondents.

5. I also find no merits in the civil revision petition. What has been done by the Court is only to receive certain documents in evidence. It is open to the petitioners to raise all their objections regarding the admissibility of the documents that have been received by allowing in I.A.No. 1958 of 2016. Hence, this civil revision petition fails and it is accordingly dismissed. No costs.

20.08.2020

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To:-

The District Munsif Court at Madurantakam,
Kancheepuram District.

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R.SUBRAMANIAN, J.

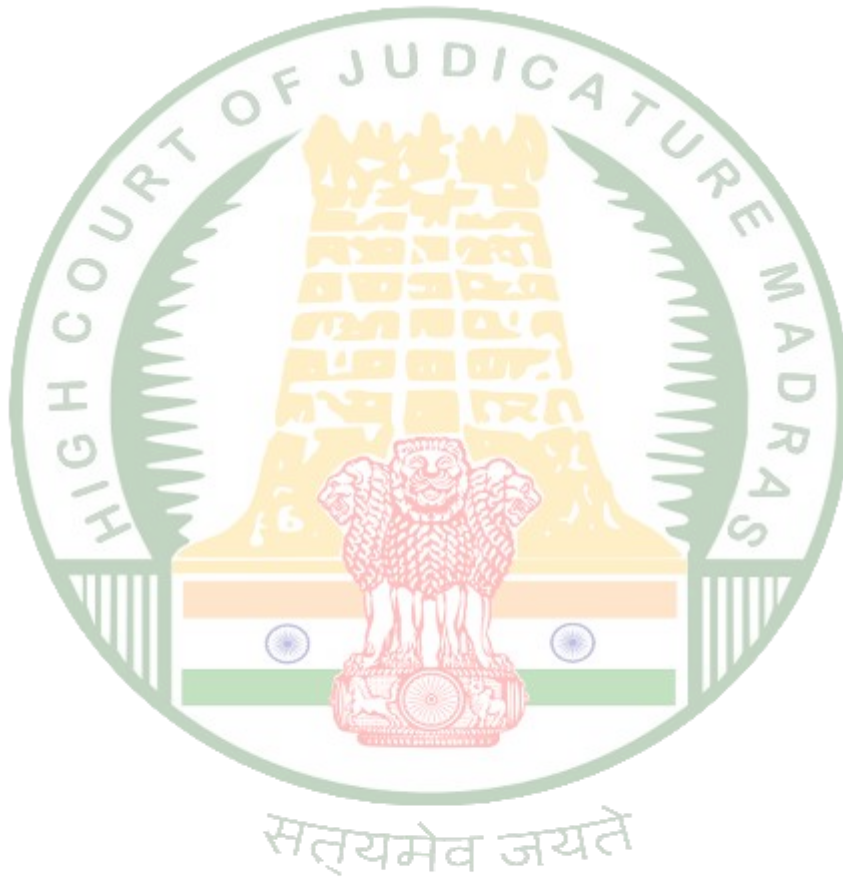
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