

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 30.11.2020

Pronounced on : 08.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(PD).Nos.2045, 2047 & 2048 of 2020

R.Yosadhai Ramalingam Petitioner

[Cause title accepted vide the Court order dated 02.11.2020
made in CMP.Nos.12081, 12084 & 12086 of 2020 in
CRP.No.SR63654 to 63656 of 2020]

Versus

1.D.Malathi
2.Rajamani
3.Kannappan
4.Visaga Prabhu

... Respondents

Civil Revision Petitions filed under Section 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.09.2020 made in I.A.Nos.81, 82 & 83 of 2020 in O.S.No.238 of 2016 passed by the learned III-Additional District and Sessions Judge, Tiruppur at Dharapuram.

For Petitioner : Mr.D.R.Arun Kumar
(in all cases)
For Respondent : Mr. S. Prasath
(for Caveator in all cases)

COMMON ORDER

The first defendant in the suit in O.S. No. 238 of 2016 is the revision petitioner herein.

2.The gist of the case is that the first respondent is the plaintiff, who filed the suit in O.S. No. 238 of 2016, for the relief of partition and separate possession, on the ground that the plaintiff's father-in-law had executed the settlement deed in favour of her husband (now deceased).

3.The first defendant/revision petitioner is the mother-in-law of the plaintiff, who filed a written statement by disputing the alleged factum of the marriage between the plaintiff and their son.

4.The trial court framed issues and trial commenced. During the trial, PW.1 was examined and certain documents were marked and the matter is now stands posted for recording of PW.2 evidence, which was also closed after examination. At this juncture, three interlocutory applications were filed by the plaintiff in I.A.Nos.81, 82 and 83 of 2020, to re-open plaintiff's side evidence, to re-call PW.1 and to mark certain documents. The defendants in the suit filed a counter statement by objecting to the applications on the ground that the petitioner/plaintiff was trying to fill up the lacunae in her case. The Trial Court allowed the application. Hence, the Civil Revision Petition.

5.The learned counsel for the revision petitioner would contend that the

petitions itself are bad in law and they were filed only to to fill up the blanks in the plaintiff's case.

6.It is seen from the Lower Court records that the revision petitioner/defendant denied the factum of marriage between the plaintiff and their son. Now the documents sought to be marked are the photographs and income tax return of the deceased-husband, the Ration Card issued by the Tamil Nadu Civil Supply Corporation and the Legal heirs certificate issued by the Revenue Authorities. Reason for the delay in filing those documents are also assigned in the affidavit and the trial is at the stage of further evidence of the plaintiff side. Hence, the trial Court has rightly allowed the applications.

7.Taking into note of the pleadings and the issues framed thereof and the stage of trial namely PW.2 evidence was closed, the order passed by the Trial Court does not suffer any irregularity and illegality and warranting to interference by invoking the revisional jurisdiction. Hence, all the Civil Revision Petitions are dismissed. No costs.

08.12.2020

Index : yes/no

Internet : yes/no

Speaking/Non-Speaking order

klt

RMT.TEEKAA RAMAN,J.,

klt

To
The III-Additional District and Sessions Judge, Tiruppur at Dharapuram.



Pre-delivery Common order in
CRP.(PD).Nos.2045, 2047 & 2048 of 2020

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