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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.04.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN, J.

C.R.P. No.128 of 2021

and

C.M.P.No.1182 of 2021

S.Rajan
S/o.Late K.Sankaran

...Petitioner/2nd Defendant

Vs

1.S.Mani
s/o.Late.K.Sankaran

2.S.Saradhamani
S/o.Late K.Sankaran

3.S.Shobana
S/o.Late K.Sankaran

4.R.Vijayalashmi
S/o.Late K.Sankaran

5.S.Radha
D/o.Late K.Sankaran

6.S.Kannan
S/o.Late K.Sankaran

7.M.Senthamarai
S/o.Madavan

8.V.Panjavarnam
S/o.Veerappan

9.M.Suresh
S/o.P.K.Kalamani

10.C.Raghavan
S/o.Chacku



11.K.Ashok Kumar
S/o.G.Krishnan

12.Mujbur Rahman
S/o.Abdulkalam

13.The Sub Registrar,
Gandhipuram,
Sub Register Office,
Coimbatore.

...Respondents/Defendants 1,3 to 11

PRAYER: Civil Revision Petition filed under Section 227
Constitution of India, to set aside the fair and decreetal order
passed by the Learned 1st Additional District Judge at
Coimbatore passed in I.A.No.4 of 2020 in O.S.No.12 of 2014 dated
13.02.2020.

For Petitioner : Mr.S.Saravanakumar

O R D E R

The present Civil Revision Petition has been filed against the order made in I.A.No.4 of 2020 in O.S.No.12 of 2014 passed by the Learned 1st Additional District Judge, Coimbatore, in and by which the Interlocutory Application, filed by the revision petitioner for summoning the CCTV footage from the Sub-Registrar Office, Coimbatore and the Register in which the document registration was entered and maintained, was dismissed.

2. It is the case of the revision petitioner that the respondents 1 to 4 are his siblings and that his mother, since deceased, had executed a will in his favour. However, the respondents herein have laid the suit for their share from the property by claiming that the will dated 18.12.2013 was executed on account of coercion and threatening caused to her mother by the petitioner. In order to prove that it is not so, the present petition has been filed for summoning those records and CCTV footage from Sub-Registrar Officer, Coimbatore.

3. The Trial Court, after hearing both the sides, dismissed the Interlocutory Application on the ground that the original will has already been marked and the evidence as Ex.D7 by the petitioner herein and Ex.D3, who was the attesting witness, have also been examined and therefore, there is no necessity for bringing the Register, in which the said transaction has been entered as it is a registered document. The trial Court further held that the CCTV footage, which the petitioner wants to summon, pertains to the year 2013 and the present Interlocutory Application has been filed only in the year 2020 and therefore,



the CCTV footage would not be available. After a lapse of long years, the above Interlocutory Application is only filed on the part of the petitioner to prolong the litigation. Accordingly, the Court below has dismissed the said Interlocutory Application, aggrieved by which, the present Civil Revision Petition has been filed.

4. The learned counsel appearing for the revision petitioner submits that summoning of the CCTV footage is not allowed, which would show that the executor condition on executing the will and the manner in which it has been executed to prove that there was no threatening and coercion caused to the executor of the will. Further, the Register in which the executor has signed would show that the petitioner was not sick and was well in control of her faculties while executing.

5. This Court heard the learned counsel for the petitioner and also perused the order passed by the trial Court.

6. Though the suit has been filed in the year 2014 and it is seen from the order passed by the trial Court that the plaintiff's evidence has been completed and on the side of the defendants, D.W.1 to D.W.3 has been examined and cross examined, certain documents have been marked among which Ex.D7 is the original will. D.W.3 is one of the attesting witness, who admitted the execution of Ex.D7 will, has been examined and cross examined and completed the examination.

7. The present application has been filed for summoning the documents after a lapse of 6 years, which clearly shows that the petitioner's only intent is to prolong the litigation. The CCTV footage, which is sought to be summoned, would not be available at the office at this length of time. The petitioner has to prove his case and letting in proper evidence and not disproving on the production of the register maintained at the Sub-Registrar Office and production of the CCTV footage will be of no use to strengthen the case of the petitioner. The purpose to examine the register lacks bonafide as no register can be produced and examined on facts other than the official act done by the Registrar also has duly registered the document in 2013.

8. The trial Court, on clear and cogent reasons, has dismissed the Interlocutory Application filed by the petitioner herein and this Court is of the affirmed view that no interference is called for with the said order. It is also seen that the petitioner has not approached the authorities earlier regarding the request made here. The CCTV Footages are maintained only for a short period and the same will be automatically erased, hence, the said pleading is also not acceptable.



9. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is also closed.

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Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

sbn

To
The I Additional District Judge,
Coimbatore.

C.R.P. No.128 of 2021
and
C.M.P.No.1182 of 2021

SVI (CO)
CB(13/08/2021)