



CRP.PD.No.1078/2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.PD.No.1078/2019 and CMP.No.7085/2019

[Video Conferencing]

1.Mageshwari
2.R.Agila
3.R.Prabhu Kumar

.. Petitioners

Vs.

1.D.Amudha
2.S.Virushuth Raj
3.The Tahsildar,
Office of Tashildar,
Tiruppattur,
Vellore District.
4.Government of Tamil Nadu
Represented by the District Collector,
District Collectorate,
Sathuvachari,
Vellore.

.. Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 25.01.2019 passed by the learned District Munsif Court, Tirupattur, Vellore District in I.A.No.75/2019 in O.S.No.194/2015.



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For Petitioners	:	Mr.N.Jayakumar
For R1 and R2	:	Mr.M.V.Venkataseshan
For R3 and R4	:	No appearance

ORDER

- (1) This Civil Revision Petition is directed against the order dated 25.01.2019 passed in I.A.No.75/2019 in O.S.No.194/2015 on the file of the learned District Munsif Court, Tirupattur, Vellore District.
- (2) Brief facts that are necessary for the disposal of this Civil Revision Petition are as follows:
- (3) The 1st petitioner in the Civil Revision Petition, is the plaintiff in the Suit in O.S.No.194/2015. The 2nd petitioner is the 3rd defendant and 3rd petitioner is the 4th defendant in the said Suit.
- (4) The 1st petitioner filed the Suit in O.S.No.194/2015 for a declaration that the petitioner and the defendants 1 to 4 in the Suit are the legal heirs of the deceased, A.Ravindran who died on 27.01.2013. The Suit is also for mandatory injunction directing the official respondents to issue legal heirship certificate to the



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petitioner and defendants 1 to 4 as such. The respondents 1 and 2 in the revision petition have filed the Suit in O.S.No.12/2016 against the 1st petitioner herein to declare that the respondents 1 and 2 alone are the legal heirs of the deceased, R.Sathish, the son of Sri.Ravindran.

- (5) The relief in the Suit is also for a further declaration that the respondents 1 and 2 alone are the legal heirs of the deceased, A.Ravindran.
- (6) In both the Suits, the status of revision petitioners whether they are legal representatives of the deceased, A.Ravindran is the common issue. While so, the respondents 1 and 2 herein who are plaintiffs in O.S.No.12/2016, filed an application in IA.No.75/2019 in OS.No.194/2015 to accept few documents which were filed in the Suit in O.S.No.12/2016 as documents. The application is filed under **Order 8 Rule 1(3) C.R.P. r/w Section 151 CPC**. The defendants wanted to condone the delay in filing the documents after filing the written statement.



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(7) It is to be seen that most of the documents filed by the respondents are to show the relationship between the respondents 1 and 2 and the deceased and other relevant documents. Having regard to the pleadings of the respective parties, the issue that is relevant is whether the revision petitioners are also the legal heirs of the deceased, A.Ravindran. The revision petitioners do not dispute the status of contesting respondents as legal heirs of the deceased, A.Ravindran. At the time of filing of written statement the respondents failed to produce the documents which are relevant and therefore an application was filed to file those documents along with the pleadings at the subsequent stage. Though there is some delay in filing the documents, this Court is of the view that the same cannot be rejected merely because they are filed after the filing of the written statement.

(8) Learned counsel appearing for the petitioner however, pointed out that the application filed by the respondents was allowed without even hearing the petitioners/plaintiffs and defendants 2 and 4 in the Suit. The Lower Court ought to given a notice to the revision



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petitioners before deciding the application. However, this Court is unable to consider the same as fatal in view of the admitted facts that the issues involved in the Suit. The petitioners and the contesting respondents are before the Court in two different Suits raising a common issue. The documents are already marked in the suit in OS.No.12/2016. By accepting the documents, no serious prejudice is likely to be caused to the revision petitioners. It is always open to the revision petitioners to raise their objection with regard to admissibility or relevancy or validity of any document at the stage of trial.

- (9) Learned counsel appearing for the revision petitioners submitted that there is no pleading to support the documents that are sought to be filed by the respondents. This Court is unable to accept the contention. A mere perusal of the documents would indicate the documents are filed to prove the relationship or status as borne out from the documents. It is not necessary that there should be specific pleading about the nature of evidence where the document is relied upon as piece of evidence to substantiate the pleadings. It is not



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necessary that every document should be pleaded if it does not give rise to a cause of action for the relief. This Court is unable to accept the arguments of the learned counsel appearing for the petitioners.

- (10) In such circumstances, this Court is of the view that preserving the right to the petitioners to raise their objections regarding relevancy or validity or admissibility of the documentd, the Civil Revision Petition is liable to be dismissed. Accordingly, the Civil Revision Petition is **dismissed**. Subject to the petitioners' rights to raise their objections with regard to the admissibility, relevancy or validity of the documents that are now filed by the respondents. Consequently, connected Civil Miscellaneous Petition is closed.

30.11.2021

cda

Internet : Yes

To

The District Munsif Court, Tirupattur, Vellore District.

S.S.SUNDAR, J.,



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