



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.08.2021

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

CRP (PD).No.2478 of 2018
and CMP.No.15210 of 2018

R.Shanthi

...Petitioner

Vs

1. P.Palanisami
2. Rajeswari
3. Muthayammal (died)
4. P.Raji
5. Rajammal

..Respondents

[5th respondent is one of the legal representative of Muthayammal, who died on 16.03.2018, the respondents 1 and 4 are other legal representatives of deceased Muthayammal, the application filed before the trial court is pending enquiry. The order was passed by the trial court on 05.01.2018]

Prayer:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 05.01.2018 passed in O.S.No.505 of 2012 on the file of District Munsif Court, Omalur insofar as marking the document dated 06.05.1982 by the respondents 1 and 2 and allow the Civil Revision Petition.

For Petitioner : Mr.A.Sundaravadhanan

For Respondent

for RR1 & 2 : Mr.T.R.Rajaraman
for RR3 to 5 : No Appearance

ORDER

This petition has been filed to set aside the fair and final order dated 05.01.2018 passed in O.S.No.505 of 2012 on the file of District Munsif Court, Omalur, insofar as marking the document dated 06.05.1982 by the respondents 1 and 2 and allow the Civil Revision Petition.

2. Heard Mr.A.Sundaravadhanan, learned counsel for the petitioner and Mr.T.R.Rajaraman, learned counsel appearing for



the respondents 1 and 2 and perused the materials.

3. This revision arises out of an order passed by the District Munsif Court, Omalur, in O.S.No.505 of 2012 dated 05.01.2018. The petitioner is the third defendant in the suit, which was filed by the respondents 1 and 2 for declaration that the family settlement cancellation deed executed by the first defendant dated 27.02.2012 and the sale deed executed by the first defendant in favour of third defendant dated 20.04.2012, as null and void and for consequential permanent injunction.

4. During trial, the plaintiff marked a receipt to establish that the family arrangement dated 20.07.1979 was acted upon and the first plaintiff paid Rs.5,000/- to the second defendant. Though an objection was raised for marking of the documents contending that it is an unregistered receipt, the learned Trial Judge permitted to mark the document subject to objection and proof. In this regard, the Trial Court followed the ratio laid down in 2001 (3) SCC 1 and 2015 1 LW 134.

5. In view of the above, I find no illegality or infirmity in the order passed by the Trial Court. Hence, the Civil Revision Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

The District Munsif ,
Omalur

CRP (PD).No.2478 of 2018

NK(CO)
CT(16/09/2021)