

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.PD.No.3987 of 2016 and
CMP.No.20176 of 2016

P.R.Natarajan

..Petitioner

Vs.

1.M.Thilaga @ Sampooranam
2.P.S.Murugesan
3.P.R.Gowri
4.P.R.Vishwanathan
5.P.R.Somasundaram
(respondents 2 to 5 given up
as unnecessary parties)

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the fair and final order dated 30.08.2016 made in IA.No.1006 of 2016 in OS.No.9 of 2012 on the file of the Principal District Munsif Court, Bhavani.

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For Petitioner : M/s.Zeenath Begum

For Respondents

For R1 : Mr.I.C.Vasudevan
R2 to 5 : given up

ORDER

This civil revision petition is directed as against the fair and final order dated 30.08.2016 made in IA.No.1006 of 2016 in OS.No.9 of 2012 on the file of the Principal District Munsif Court, Bhavani thereby dismissing the petition to issue subpoena to the witnesses of Ex.B10.

2. The petitioner is the second defendant in the suit filed by the first respondent herein for partition. After examining all the witnesses on the plaintiff side and defendants side, the petitioner filed petition to issue subpoena to the attesters of Ex.B10 partition deed.

3. On perusal of Ex.B10 revealed that there was a partition between the parties on condition that the parties concerned have to share the property equally by partition between themselves and within a period of six months it has to be registered. The unregistered partition deed was marked as Ex.B10 on behalf of the petitioner herein. In fact one of the party to the said partition deed was also examined as DW2. At that juncture, when the matter was posted for argument, the petition was filed to issue subpoena to the attesters of Ex.B10 to examine them. As condition imposed in the partition deed which was marked as Ex.B10 not

complied with and as such no purpose would be served by examining the attesters of Ex.B10. Therefore, the court below rightly dismissed the petition and this Court finds no irregularity or infirmity in the order passed by the court below.

4. Accordingly, this civil revision petition is dismissed. However, considering that the suit is of the year 2012, the trial court is directed to dispose of the suit within a period of three months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

26.02.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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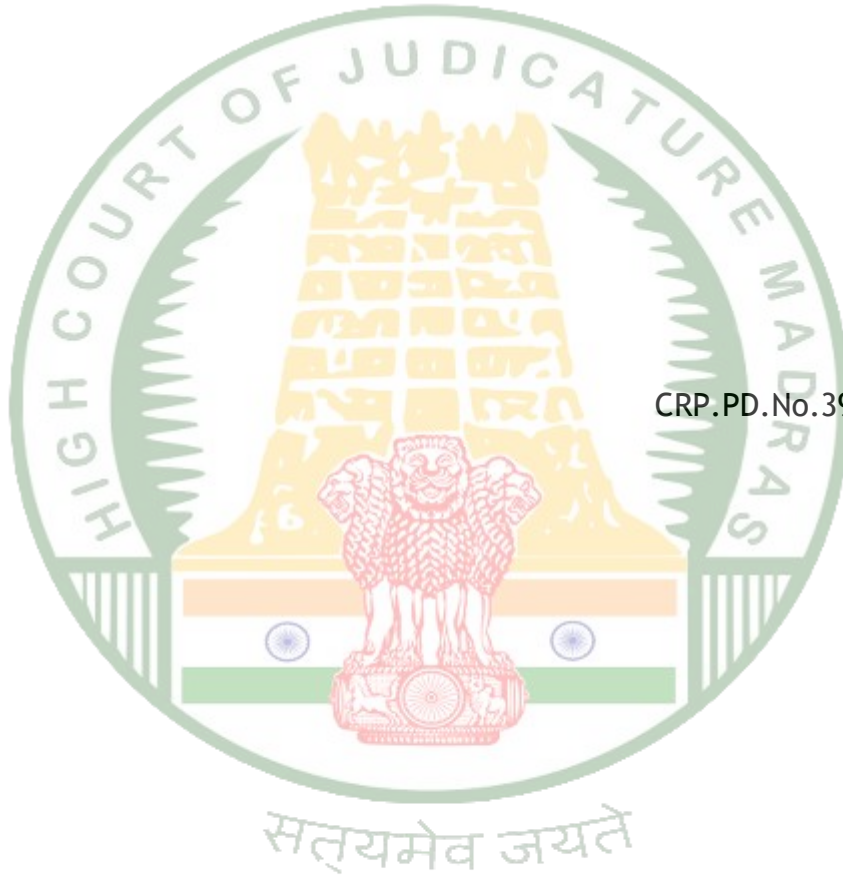
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G.K.ILANTHIRAIYAN,J.

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To

The Principal District Munsif,
Bhavani



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