

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM

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

C.R.P.(PD) No.355 of 2018 and
CMP.No.1871 of 2018

1.S.Ravi
2.Sarala.N

... Petitioners

Vs

Narasimmalu Naidu(died)

1.Venugopala Naidu
2.Purushothaman
3.Uma
4.Shanthi
5.Padmavathi
6.Jamuna
7.Balaji
8.Krishnamoorthy
9.The Sub Registrar,
Walaja
Vellore District
10.The Tahsildar,
Walaja,
Vellore District

... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the order made in IA.No.603 of 2011 in

OS.No.76 of 2006 dated 26.10.2017 on the file of the Subordinate Judge at Ranipet, Vellore District.

For Petitioners : Mr.K.V.Ananthakrushnan

For Respondents

R1 to 8 : No appearance

R9 & 10 : Given up

ORDER

This Civil Revision Petition is filed against the order passed in IA.No.603 of 2011 in OS.No.76 of 2006 dated 26.10.2017 on the file of the Subordinate Judge at Ranipet, Vellore District, thereby dismissing the petition to receive documents.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit for partition. While pending the suit, the petitioners filed an application seeking permission to receive documents. On perusal of the written statement, revealed that the respondents specifically averred that the suit property which was allotted to the first defendant, in OS.No.54 of 1976 and final decree was passed and thereafter

suit was renumbered as O.S.No.22 of 1991. Therefore, the petitioners sought leave to receive the following documents:

- (i) Certified copy of plaint in OS.No.22 of 1991
- (ii) Certified copy of written statement in OS.No.22 of 1991
- (iii) Certified copy of pre-decree in OS.No.22 of 1991
- (iv) Certified copy of judgment in OS.No.22 of 1991
- (v) Certified copy of final decree in OS.No.22 of 1991

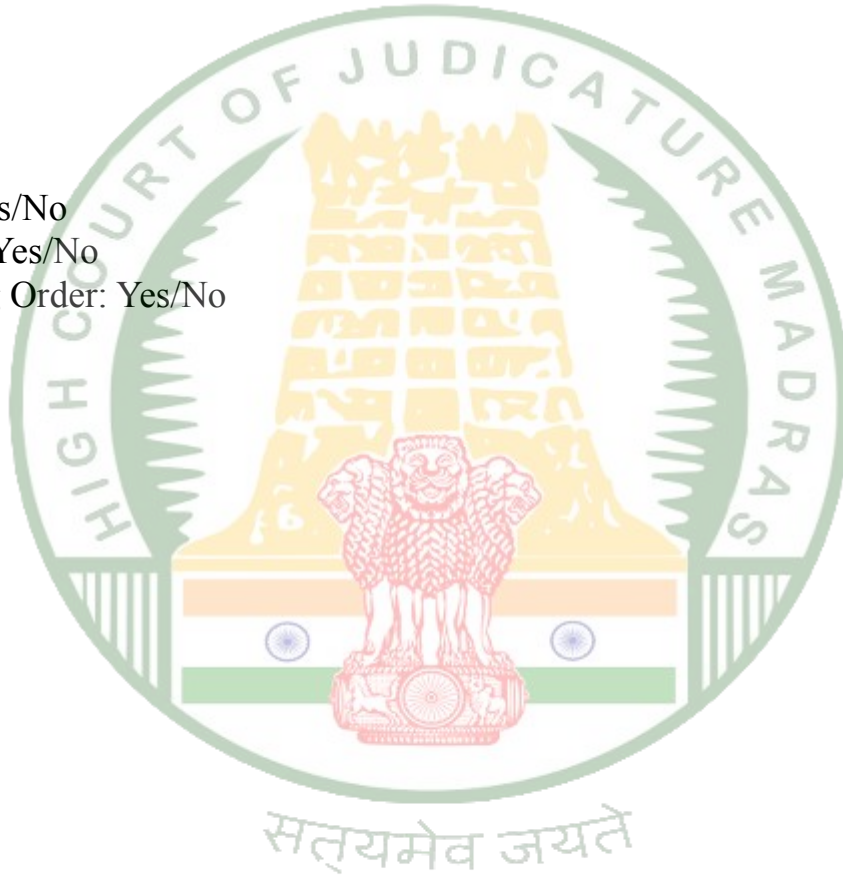
3. However, it was dismissed for the reason that the petition was filed belatedly after five years from the date of commencement of trial. All the documents which are sought to be marked by the plaintiffs are relevant to the suit properties. That apart, they obtained certified copy of the same and as such there is a delay in filing the petition to receive those documents.

4. In view of the above, this civil revision petition is allowed and the order passed in IA.No.603 of 2011 in OS.No.76 of 2006 dated 26.10.2017 on the file of the Subordinate Judge at Ranipet, Vellore District

is set aside. The court below is directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

09.07.2021

lok
Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No



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G.K.ILANTHIRAIYAN,J.

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To

The Subordinate Judge
at Ranipet, Vellore District.



C.R.P.(PD) No.355 of 2018

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