

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

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

C.R.P.(PD)Nos.3627, 3628 & 3630 of 2018
and C.M.P.No.20239 of 2018

1. R.Karthick
2. R.Nandhini
Both petitioners rep.,
by their Power of agent
P.Pankajam

... Petitioners in
all CRPs

Vs.

1. P.Jayanthi
V.Janakiammal (died)
2. J.Suguna
3. V.Aruna
4. Ponnusamy

... Respondents in
all CRPs

Common Prayer :- Civil Revision Petitions are filed under Article 227 of the Constitution of India to set aside the fair and decreetal orders dated 31.08.2018 in I.A.Nos.576, 577 & 575 of 2018 in O.S.No.109 of 2010 respectively, on the file of the learned Subordinate Judge, Udumalpet by allowing the Civil Revision Petitions.

For Petitioners
in all CRPs : No appearance

For Respondents
in all CRPs
For R3 : Mr.A.Ganesan
For A4 : Mr.S.Kasirajan
For R1 to R3 : No appearance

COMMON ORDER

These Civil Revision Petitions are directed as against fair and decreetal orders dated 31.08.2018 passed by the learned Subordinate Judge, Udumalpet, in I.A.Nos.576, 577 & 575 of 2018 in O.S.No.109 of 2010 respectively, thereby dismissing the petitions to re-call P.W.1, to receive the documents and to re-open the plaintiffs' side evidence.

2. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed suit in O.S.No.109 of 2010 for partition. After examination of plaintiffs' side evidences and also the defendants' side evidences, when the suit was posted for arguments, on 24.07.2018 the present petitions were filed in I.A.Nos.576, 577 & 575 of 2018 to re-call P.W.1, to receive additional documents and to reopen the case respectively. The trial Court dismissed all the petitions as against which the present Civil

Revision Petitions have been filed.

3. On a perusal of records revealed that the documents which are sought to be received as additional documents are settlement deed and Will. Even in the plaint averments, the petitioners categorically stated about the settlement deed and Will. Even then, the petitioners did not take any steps to mark them as exhibits. In fact, they already filed application in I.A.No.253 of 2018 for the very same relief and it was dismissed by the trial Court on 05.06.2018. Again the present petitions have been filed and therefore, it is only to fill up the lacuna.

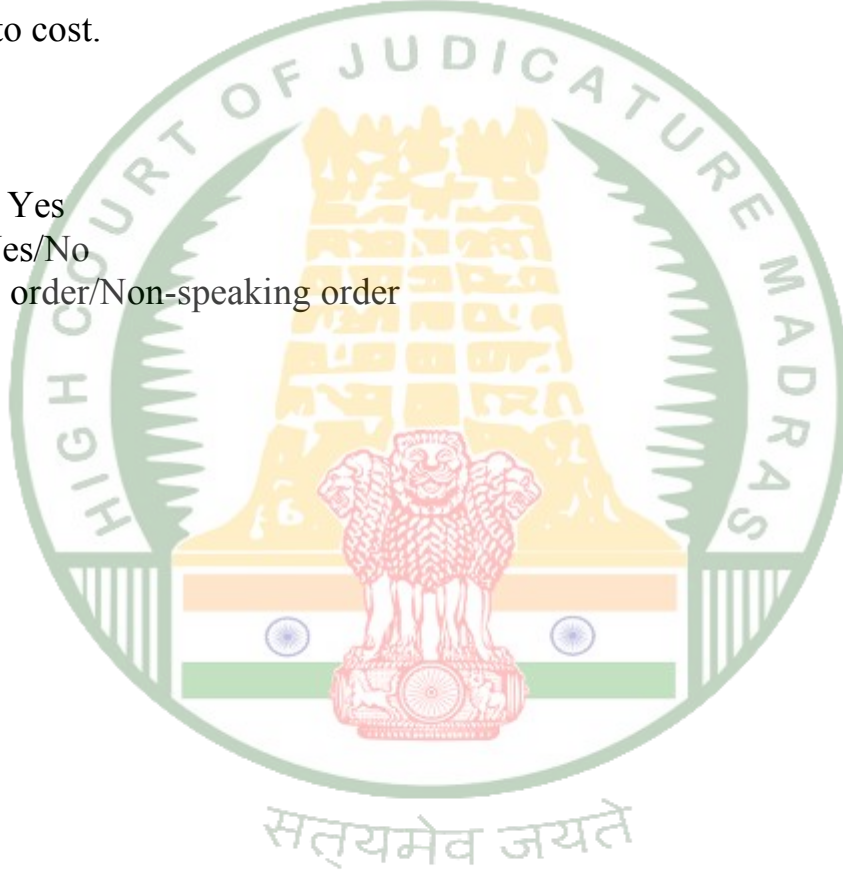
4. That apart, those documents are their custody and there is absolutely no explanation for non-production of documents even at the time of institution of the suit. Therefore, the trial Court rightly dismissed the petitions and this Court finds no illegality or infirmity in the order passed by the Court below.

5. Accordingly, all the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

14.07.2021

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order

rts



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To

1. The Subordinate Judge,
Udumalpet.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

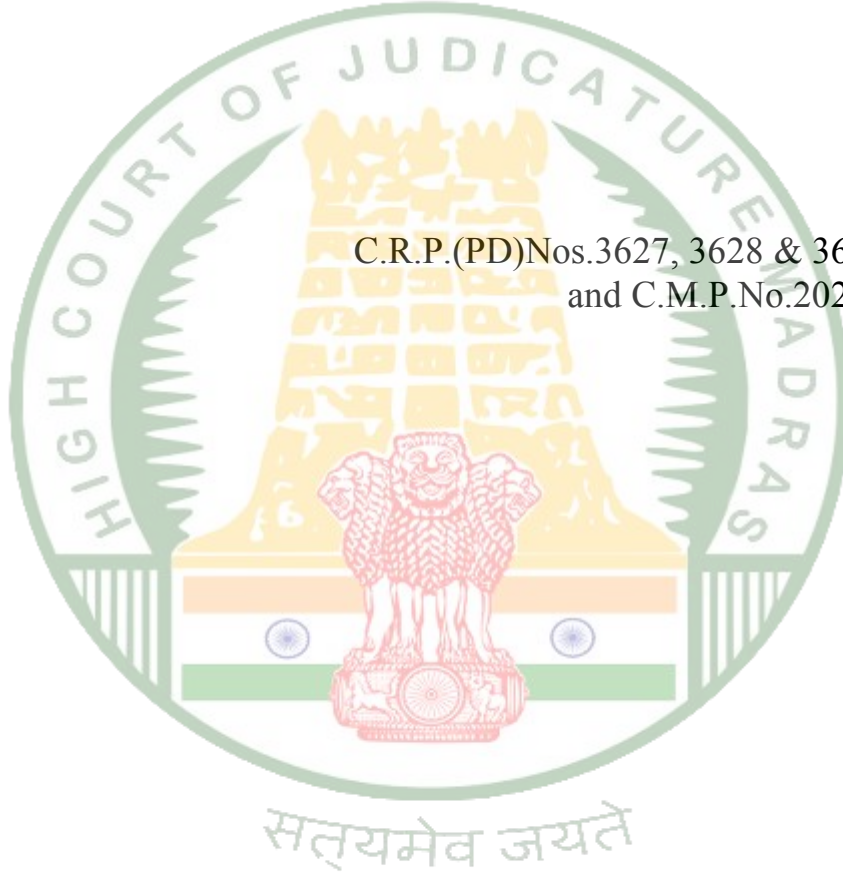


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G.K.ILANTHIRAIYAN, J.

rts



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