



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.11.2021**

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

C.R.P. (MD) No.2554 of 2014

and

M.P. (MD) No.2 of 2014

1.C.Seenivasan

2.Marisamy ... Petitioners/Defendants 8&9/
Petitioners

vs.

1.Arumugammal ...1st Respondent/Petitioner/
Respondent

Subba Naicker (died)

2.Nachiyarammal

3.Krishnaveni

4.Parvathi @ Chellathai

5.Priya Nayagam

6.Subbuthai

7.G.GAnesa Moorthi ... Respondents 2to 7/Defendants 1 to 7/
Nil

PRAYER:- This Petition is filed under Articlrs 226 of the Constitution of India, to set aside the fair order dated 07.11.2014 insofar as returning certain documents in I.A.No.731 of 2013 in O.S.No.23 of 2008 on the file of the Principal District Munsif's Court, Kovilpatti.

For Petitioners : Mr.R.J.Karthik for
Mr.R.Subramanian

For Respondents : Mr.Rajagopal for
Mr.R.Devaraj



ORDER

The defendants 8 and 9, who are the revision petitioners herein, are before this Court, challenging the order passed by the learned District Munsif, Kovilpatti in I.A.No.731 of 2013 in O.S.No.23 of 2008 dated 07.11.2014.

2.The facts in brief are as follows:-

3.The suit in O.S.No.23 of 2008 had been filed by the 1st respondent herein for partition and separate possession of his 1/3rd share in the suit schedule property. It appears that the defendants had filed their written statement on 24.08.2012 along with 17 documents. Thereafter, the defendants 8 and 9 have filed I.A.No.731 of 2013, which is the order impugned herein, seeking permission of the Court to condone the delay in producing 10 other documents. It is informed that the earlier documents, which were filed along with the written statement, has been received.

4.The learned Principal District Judge, Kovilpatti allowed I.A.No.731 of 2013. However, while allowing the application, the learned Judge had directed the 17 documents filed along with the written statement be returned. Challenging the same, the petitioners are before this Court.

5.The learned counsel appearing on behalf of the petitioners would submit that pursuant to the orders in I.A.No.731 of 2013, the documents filed along with the written statement have been returned by the Court.

6.The learned counsel appearing on behalf of the 1st respondent/plaintiff would fairly concede that the said order insofar as it related to the documents being returned is erroneous.

7.In view of the above, the order dated 07.11.2014 passed in I.A.No.731 of 2013 in O.S.No.23 of 2008 on the file of the learned District Munsif, Kovilpatti insofar as it relates to the return of the documents filed along with the written statement is set aside. The learned District Munsif, Kovilpatti is directed to once again receive those documents, which had been filed along with written statement. Considering the fact that the suit is ripe for trial, the same shall be disposed of within a period of 2 months from the date of receipt of a copy of this order. It is needless to state that all the documents that are before the Court shall be received as an evidence subject to proof and relevancy.



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8.In these circumstances, this Civil Revision Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Mm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Principal District Munsif,
Kovilpatti.

+1 CC to M/s.R. DEVARAJ, Advocate (SR-35683[F] dated 24/11/2021)

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