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C.R.P. (PD) No.1933 of 2022
and C.M.P. No.9820 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) No.1933 of 2022
and C.M.P. No.9820 of 2022

1.S.Vijayalakshmi
2.S.Padmini
3.S.Mohanarangan
4.S.Ranganathan
5.S.Kousalya
6.S.Santhiya

...

Petitioners /
Plaintiffs

versus

1.Padmavathy
2.S.Kumaravelu
3.S.T.Vallimuthu
4.Y.Malik Kabur

...

Respondents /
Defendants

PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 11.03.2022 made in I.A.No.2 of 2022 in O.S.No.6097 of 2019 on the file of the learned V Additional Judge, City Civil Court, Chennai.

For Petitioners : Mr.J.Suresh



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ORDER

This Civil Revision Petition has been preferred challenging the order of the learned V Additional Judge, City Civil Court, Chennai, dated 11.03.2022 made in I.A.No.2 of 2022 in O.S.No.6097 of 2019.

2. The revision petitioners are the plaintiffs and they filed the suit in O.S.No.6097 of 2019 for the relief of declaration, partition and permanent injunction. After the trial was commenced, the plaintiffs have filed the petition in I.A.No.2 of 2022 to receive 5 documents as additional documents and the same was dismissed. Aggrieved over that, the petitioners have filed the present Civil Revision Petition.

3. The learned counsel for the petitioners submitted that the documents sought to be produced are very much relevant to the matter in issue and in the interest of justice those documents should be received by the Court.

4. The documents sought to be filed are as follows;

- (i) Joint photograph of K.Selvarathinam and Indirani showing the two persons together;
- (ii) Photograph showing the marriage event of the 6th plaintiff;



- (iii) Death Certificate of Indirani;
- (iv) Encumbrance Certificate;
- (v) Legal Heir Certificate of K.Selvarathinam

5. In the suit filed for declaration, partition and permanent injunction, the personal photographs of the individuals are no way relevant and it is right for the learned trial Judge not to receive the same. The death of the Indirani was also not denied and the production of the death certificate, is also superfluous. The 4th document is the Encumbrance Certificate and that is no way relevant to the prayer sought in the suit. The 5th document is the legal heir certificate of K.Selvarathinam. When the parties dispute about their legal heirship of K.Selvarathinam that cannot be established by way of producing legal heirship certificate but it should be proved before the Court. Further, it is up to the plaintiffs to call for the concerned authority, who issued the legal heir certificate and examine him as a witness by sending for the production of the relevant file.

6. The learned trial Judge is right in dismissing the petition by recording a finding that this petition is filed to receive additional documents after the commencement of the trial, despite they were only in the



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custody of the plaintiffs themselves. No acceptable explanation is offered as to why the plaintiffs did not produce all the documents at the time when the suit was filed. Since the documents themselves are not relevant, the learned trial Judge is right in disallowing the petition. Hence, I do not find ground for interference.

7. Accordingly, this Civil Revision Petition is dismissed and the order dated 11.03.2022 passed by the learned V Additional Judge, City Civil Court, Chennai in I.A.No.2 of 2022 in O.S.No.6097 of 2019 is hereby confirmed. Consequently, connected Miscellaneous Petition is closed. However, there is no order as to costs.

24.06.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

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The V Additional Judge,
City Civil Court, Chennai.

C.R.P. (PD) No.1933 of 2017
and C.M.P. No.9820 of 2017





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R.N.MANJULA, J.

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