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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (PD) Nos.1917, 1918 & 1924 of 2022
and C.M.P. No.9790 of 2022

Sonachalam

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Petitioner /
Plaintiff
[in all C.R.Ps]

versus

P.Sadasivam (died)
1.S.Paramasivam
2.R.Kamaraj
3.P.Venkatraman (died)
4.G.Ilamaran
5.G.Inian
6.G.Ilango
7.G.Iraimani
8.G.Ilavarasu
9.G.Raja
10.B.Krishnaveni Ammal
11.B.Krishnandhan
12.S.Sivanand
13.S.Soundaram
14.Maheswari

...

Respondents /
Defendants
[in all C.R.Ps]

COMMON PRAYER: Civil Revision Petitions have been filed under Article 227 of the Constitution of India, against the fair and decretal orders



dated 04.04.2022 made in I.A.Nos.16, 17 and 18 of 2022 in O.S.No.2118 of 2004 on the file of the learned IV Additional District Munsif, Salem respectively.

For Petitioners : Mr.J.Prithivi
[in all C.R.Ps]

COMMON ORDER

These Civil Revision Petitions have been preferred challenging the orders of the learned IV Additional District Munsif, Salem, dated 04.04.2022 made in I.A.Nos.16, 17 and 18 of 2022 in O.S.No.2118 of 2004 respectively.

2. The revision petitioner is the plaintiff in the suit. The plaintiff has filed the suit for partition. After the trial was over and the case was posted for arguments, the plaintiff has filed these petitions to reopen, recall and to receive the additional documents by stating that the listed documents are necessary for the purpose of the suit and without which, the plaintiff cannot prove his case and those petitions were dismissed. Aggrieved over that, the petitioner has filed the present Civil Revision Petitions.



3. The learned counsel for the petitioner submitted that the documents in question are essential to prove the character of the property that it is the ancestral property of one Ponnusamy Chettiar from whom the plaintiff derived his right. The categorical contention of the respondents in the suit is that there is no need to prove that the character of the property but the issue is only about the right of Ponnusamy Chettiar to execute the disputed Will.

4. The entitlement of the executant to execute the Will, genuineness of the Will etc. are the matters in dispute. The learned trial Judge has also made an observation that the same issue has been dealt in an earlier suit in O.S.No.345 of 1993 and hence, this suit itself is affected by *res judicata*. Since the matter in issue, is entirely different from the need to prove the character of the property and that too when the respondents themselves did not dispute about the character of the property but only the right of one Ponnusamy Chettiar to execute the Will in question, the learned trial Judge is right in dismissing the petitions. Hence, I find no factual and legal infirmity in the orders passed by the learned IV Additional District Munsif, Salem.



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5. Accordingly, these Civil Revision Petitions are dismissed and the orders dated 04.04.2022 passed by the learned IV Additional District Munsif, Salem in I.A.Nos.16, 17 and 18 of 2022 in O.S.No.2118 of 2004 are 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

sri

To

The IV Additional District Munsif,
Salem.



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R.N.MANJULA, J.

sri

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