



C.R.P(NPD).No.1865 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.1865 of 2022

and

C.M.P.No.9516 of 2022

1.Krishnaveni

2.Kaliammal

... Petitioners

..Vs..

1.Kaliammal

2.Nirmala

3.Gowrisankar

4.P.Muniappan

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of

India, against the order dated 03.03.2022 in I.A.No.1 of 2021 in A.S.No.48 of

2020 on the file of the learned III Additional District Judge, Salem.

For Petitioners : Mr.M.Elango

ORDER

This Civil Revision Petition has been preferred, challenging the order of the learned III Additional District Judge, Salem, dated 03.03.2022 made in I.A.No.1 of 2021 in A.S.No.48 of 2020.



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2.The revision petitioners are the appellants and plaintiffs in the suit. The suit has been filed for the relief of partition and the same was dismissed. Aggrieved over that, the appeal in A.S.No.48 of 2020 was filed. Pending the appeal, the appellants, who are the revision petitioners herein, have filed a petition to receive the following additional documents:

<i>Sl.No.</i>	<i>Date</i>	<i>Particulars</i>	<i>Nature</i>
1	17.06.1981	Sale Deed in favour of one Raj	Certified copy
2	28.08.2020	Encumbrance Certificate	Certified copy
3	13.10.2020	Public Information Officer's Report	Original

The learned appellate Judge dismissed the petition to receive the additional documents. Aggrieved over that, the revision petitioners have preferred this revision.

3.The learned counsel for the petitioners submitted that the partition suit of the revision petitioners was dismissed due to non-joinder of necessary parties and for partial partition and hence, the additional documents are necessary to prove their contention that the suit does not suffer from partial partition or non-joinder of necessary parties.

4.It is difficult to understand as to how the sale deed,



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encumbrance certificates and other information, would help the appellant to canvass the above submissions. Further, no acceptable reason is stated to clarify why the documents were not produced even at the time of trial. The sale deed, encumbrance certificate and other information are the prominent documents which would have been filed even at the time of trial, if the plaintiffs thought that those documents will decide the fate of the case. The learned trial Judge has rightly appreciated the contentions of the petitioner and had chosen to dis-allow the request. I do not find any reason for interference.

5. Accordingly, the Civil Revision Petition is dismissed and the order of the learned III Additional District Judge, Salem, dated 03.03.2022 made in I.A.No.1 of 2021 in A.S.No.48 of 2020, is hereby confirmed. No Costs. Consequently, connected Miscellaneous Petition is closed.

17.06.2022

vr
Index: Yes No
Speaking Order: Yes/No

R.N.MANJULA,J.

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Vkr

To

- 1.The III Additional District Judge,
Salem.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.

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