



C.R.P. (PD) .No.2862 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.(PD).No.2862 of 2021

and

C.M.P.No.20706 of 2021

1.Dhanabagyam

2.Murugesan

3.Ganesan

.. Petitioners

Vs.

1.Chinnasamy

2.Chinnakutty @ Avinashiappan

3.Valliammal

4.Gopalasamy

5.Sundaram

6.Sampathkumar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the fair and decretal order dated 22.10.2021 passed in I.A.No.2 of 2021 in O.S.No.373 of 2015 on the file of IV Additional District and Sessions Judge at Coimbatore.

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For Petitioners : Mr.K.Myilsamy

For Respondents : Mr.C.Deepak Kumar for Caveator

ORDER

Aggrieved by the order of the trial Court permitting the defendant in the suit to produce certain documents, the plaintiffs are on Revision.

2. The suit is one for partition. At the time of trial, the defendants have filed I.A.No.2 of 2021 seeking to produce certain documents which includes depositions of living persons. The trial Court taken care to observe that the petitioners are allowed to produce the documents subject to the provision under Sections 32 and 33 of the Indian Evidence Act.

3. Mr.K.Myilsamy, learned counsel appearing for the petitioners would contend that the depositions of living persons cannot be marked in evidence.



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4. The Court has only permitted production of documents and the documents have not been marked. It is open to the petitioners to object to marking of the documents, when the documents are marked by the defendants. The order merely permitting production of documents does not normally prejudice the parties.

5. Hence, there is no question of interference under Article 227 of the Constitution of India. The Revision therefore fails and it is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed. Considering the fact that the suit is six years old, the trial Court is directed to dispose of the suit within a period of eight months from the date of receipt of a copy of the order.

05.01.2022

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Speaking order

To

The IV Additional District and Sessions Judge, Coimbatore.

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