

**IN THE HIGH COURT OF JUDICATURE AT MADRAS****DATED:24.11.2022****CORAM:****THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

C.R.P.No.3822 of 2022
and C.M.P.No.20098 of 2022

1.Sivanathan
2.Senthilkumar
3.Ravichandran

...Petitioners

Versus

M.Nachimuthu (dead)
1.Dhanalakshmi
2.N.Karthick
3.S.Krithika

...Respondents

PRAYER: Civil Revision Petition filed under Section 151 of C.P.C., praying to set aside the order dated 01.09.2022 in I.A.No.49 of 2021 in O.S.No.573 of 2011, on the file of the Principal Subordinate Court, Tiruppur.

For Petitioners :Mr.K.Govi Ganesan

O R D E R

The Civil Revision Petition is filed challenging the order passed by the Court below allowing the petition filed by the respondent seeking leave of the Court to file certain documents which were not filed along with the written statement.



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2. The petitioners herein filed a suit for partition and the respondents filed a written statement as early as on 09.02.2000 and subsequently an additional written statement filed on 06.07.2007 and thereafter, the second additional written statement filed on 14.03.2015.

3. It is stated by the learned counsel for the petitioners that the trial in the matter is not yet commenced.

4. The respondent herein filed I.A.No.49 of 2021, seeking leave of the Court to produce certain documents which were not produced by them at the time of filing of written statement.

5. Having satisfied with the reasons given by the respondents in the affidavit filed in support of the petition, the Court below allowed the said application granting leave to the respondents to file the document.

6. The learned counsel for the petitioners assailed the order passed by the Court below mainly on the ground that the Court below at the



time of allowing the respondent to file those documents observed that the validity of the documents will be considered at the time of passing of judgment.

7. The learned counsel for the petitioners confined his objections to Document No.7 filed along with a petition of the respondent. The Document No.7 is the original family arrangement dated 27.06.1977. It is the case of the learned counsel for the petitioners under the said document, partition was made and therefore, it requires proper stamp duty and registration.

8. The learned counsel for the petitioners vehemently contended that without registration and payment of adequate stamp duty for the document, the Court below ought not to have granted leave to the respondent to produce the documents.

9. Now, by virtue of the order impugned in this revision, the respondents have been permitted to produce those documents before the Court.



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10. However, the documents in question were not marked as Exhibits. When the respondent makes an attempt to mark those documents, it is open to the petitioner to object to the admissibility of document.

11. Even assuming that the documents were already marked by the Court below, if the documents are *per se* inadmissible, it is always open to the petitioner to file appropriate application to eschew the documents.

12. With these observations, the Civil Revision Petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are also closed.

24.11.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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To
The Principal Subordinate Court,
Tiruppur.



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S.SOUNTHAR, J.

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