



CRP No.4158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-12-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

CRP No.4158 of 2022

And

CMP No.21740 of 2022

1.Jawahar
2.Sudhamadhi
3.Sunandadevi @ Sunandhan
4.Sambathkumar
5.Dayalkumar
6.Rajasekar

.. Petitioners

vs.

Moganesvary Colbert

.. Respondent

PRAYER : This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 10.10.2022

1 / 6



CRP No.4158 of 2022

made in IA No.1050 of 2022 in OS No.117 of 2019 on the file of the III Additional District Judge at Puducherry.

For Petitioners : Mr.M.Selvam

For Respondent : Ms.P.V.Rajeswari

ORDER

The present Civil Revision Petition is filed challenging the order dated 10.10.2022 passed in IA No.1050 of 2022 in OS No.117 of 2019 on the file of the III Additional District Judge at Puducherry..

2. The suit was instituted for declaration and for mandatory injunction. The revision petitioners are the defendants and admittedly, the suit is posted for trial. At that stage, the defendants filed IA No.1050 of 2022 for marking of 11 documents.



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3. The learned counsel appearing on behalf of the respondents made a submission that 10 document were already allowed to be marked, except the one document, which is an unregistered Sale Deed.

4. Perusal of the list of documents reveals that the second document is the Sale Deed dated 10.08.1989 executed by Sundaragantha Colbert in favour of Damodaran in respect of the suit property. However, the said Sale Deed was unregistered. While-so, the Trial Court has refused to mark the said unregistered Sale Deed as a document. In respect of all other 10 documents, the same were accordingly marked and further the suit is posted for trial.

5. This Court do not find any infirmity in respect of the reasons recorded for rejecting the said document, which is an unregistered Sale Deed. Thus the parties are expected to participate in the process of trial for



CRP No.4158 of 2022

speedy disposal.

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6. Accordingly, the present Civil Revision Petition stands dismissed. However, there shall be no order as to costs. Consequently the connected miscellaneous petition is also dismissed.

16-12-2022

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

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To

The III Additional District Judge,
III Additional District Court,
Puducherry.



CRP No.4158 of 2022



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CRP No.4158 of 2022

S.M.SUBRAMANIAM, J.

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CRP No.4158 of 2022

16-12-2022