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C.R.P. No.4235 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4235 of 2019
and
C.M.P. No. 27634 of 2019

Visalakshmi(died)

1. Renukadevi,
W/o. Palanisamy
- 2 Chandrasekar,
S/o. Arunachala Gounder
- 3 Sivakumar,
S/o Arunachala Gounder

Muthukumarasamy (died)

- 4 Rathinasamy
S/o. Muthukumarasamy
- 5 Ramamoorthy
S/o Muthukumarasamy
- 6 Sarojini
W/o. Kanagaraj

... Petitioners

Versus



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R.Krishnakumar
S/o B.P.Ramasamy

... Respondent

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the fair and decreetal order dated 22.10.2019 passed in I.A.No.594 of 2019 in O.S.No. 356 of 2018 on the file of Sub-Court, Palladam.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.K.S.Karthik Raja

ORDER

Challenging the impugned order passed in I.A.No.594 of 2019 on the file of learned Sub-Court, Palladam, the plaintiffs 2 to 4 and 6 to 8 preferred this Civil Revision Petition.

2. Originally, a suit in O.S.No.356 of 2018 filed by the Revision Petitioners/plaintiffs for the relief of partition against seven defendants. The defendants have contested the suit, issues were framed, evidence was recorded on both sides and the evidence was also closed. Thereafter, the matter was posted for arguments, at that time, the 2nd defendant filed an



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defendant, since those documents were hypothecated with the bank. As already those documents were marked as Ex.B1 and B2, no hardship would be caused to the plaintiffs. Even otherwise, the plaintiffs raised objections stating that subject to proof and relevancy, the documents to be marked and validity of the document also to be ascertained so as to decide the issue involved in the suit.

5. In the result, this Civil Revision Petition is dismissed and the findings of the learned trial court in I.A.No.594 of 2019 is confirmed. However, since the suit is pending from the year of 2018, the trial court is directed to proceed with the trial and dispose the case within a period of two months from the date of receipt of copy of this order. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

28.11.2022

Index: Yes/No
Internet: Yes/No
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To

Sub-Judge, Palladam.

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T.V.THAMILSELVI, J.

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