



CRP(PD)(MD)No.467 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.467 of 2011 and
CMP(MD) No.1 of 2011

The National Educational & Charitable Trust,
Kovilpatti,
Rep through its Managing Trustee,
Mrs.R.Chennammal
W/o Late Ramasamy
D.No.112, Market Road,
Kovilpatti Town,
Tuticorin District.

... Petitioner

(Sole petitioner substituted as the Managing Trustee of the petitioner's Trust, vide Court order dated 19.11.2019, made in CMP(MD) No.10938 of 2019 in CRP(MD) No.467 of 2011 by PTAJ)

Vs

Janakiammal (Died)
A.Krishnaveni

... Respondent

(R2 is brought on record as the legal heir of the deceased sole respondent vide Court order dated 05.03.2021, made in CMP(MD) Nos.2095, 2091 and 2087/2020 in CRP(MD) No.467 of 2011 by RSMJ.)

Prayer: Petition filed under Article 227 of the Constitution of India, to call for the fair and decreetal order dated 25.02.2011 in I.A.No.118 of 2011 in O.S.No.100 of 2008, on the file of the learned District Munsif Court, Kovilpatti and set aside the same.



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For Petitioner : Mr.V.Perumal
For Respondent : No appearance

ORDER

This Civil Revision Petition is filed as against the fair and decreetal order passed in I.A.No.118 of 2011 in O.S.No.100 of 2008, dated 25.02.2011.

2.The petitioner/plaintiff filed a suit in O.S.No.100 of 2008, before the District Munsif Court, Kovilpatti, for the relief of declaration and permanent injunction as against one Janakiammal. Pending the suit, the petitioner/plaintiff has also taken out an application in I.A.No.118 of 2011, under Order XII, Rule 8 and Section 151 of Civil Procedure Code, to call for certain documents pertaining to one Krishnaveni and to mark the same as documents to the suit. The said application was dismissed by the trial Court on the ground that the said Krishnaveni is not a party to the suit and the trial Court cannot compel the third party to give witness to mark the documents through her. Aggrieved over the same, the present Civil Revision Petition is filed.



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3.Today(11.07.2022), when this Civil Revision Petition is taken up for hearing, there is no representation for the respondent.

4.The learned counsel appearing for the petitioner submits that though the suit was originally filed as against one Janakiammal, pending this Civil Revision Petition, she died and hence, her legal heir namely, Krishnaveni is also made as defendant in the suit and therefore he will work out his remedy before the trial Court itself. It is also reported that the defendant's side evidence has not been commenced so far.

5.In view of the said submission made on behalf of the revision petitioner and the fact that the defendant side evidence has not yet been commenced, this Civil Revision Petition is closed. It is always open to the petitioner to mark the necessary documents at the time of examination of the defendant, if he is so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

11.07.2022

Index : Yes / No.
Internet : Yes / No.
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The District Munsif Court, Kovilpatti



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B.PUGALENDHI, J.

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Order made in
CRP(PD)(MD)No.467 of 2011

11.07.2022