



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.1238 of 2019

and

C.M.P (MD) .No.6882 of 2019

Sivajirajan

...Petitioner/1st Defendant

Vs.

1.Soroobarani

2.Thangajothi

...Respondents/Plaintiffs

PRAYER : This Civil Revision Petition is filed under Section 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order dated 25.01.2019 made in I.A.No.552 of 2018 in O.S.No.67 of 2013 on the file of Subordinate Court, Kovilpatti and set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.P.Athimoolapandian
For Respondents : Mr.M.P.Senthil
for Mr.P.M.Vishnuvarthanan

O R D E R

This Civil Revision Petition has been filed to set aside the fair and decreetal order dated 25.01.2019 made in I.A.No.552 of 2018 in O.S.No.67 of 2013 on the file of the learned Subordinate Judge, Kovilpatti.

2.I.A.No.552 of 2018 was filed by the revision petitioner/1st defendant under Order 8 Rule (1-A)(3) of CPC., to receive the documents, which was dismissed by the learned Subordinate Judge, Kovilpatti. Aggrieved by the said order, the revision petitioner/1st defendant has filed this Civil Revision Petition.

3.A perusal of records shows that the document is an unregistered partition deed, in which six members are the parties to the document, but only four members were signed in the documents. Other two parties, especially, the respondents/plaintiffs have not signed in the partition deed, Therefore, the document cannot be marked, even cannot be received for collateral purpose. As per judgment reported in **2010-2-L.W.828 in the case of Narendra Kante Vs. Anuradha Kante & Ors.** in paragraph No.22 as follows:

'22.As far as the second question is concerned, a Deed of Family Settlement seeking to partition joint family properties cannot be relied



upon unless signed by all the co-sharers.''

4.Unless all the parties have signed in the documents, the documents cannot be received and cannot be looked into for a collateral purpose. Therefore, the trial Court has rightly dismissed the said I.A.No.552 of 2018. This Court finds no valid reasons to interfere with the order of the Court below.

5.In view of the above, this Civil Revision Petition is dismissed. Since the suit is pending from the year 2013, the learned Subordinate Judge, Kovilpatti, is directed to dispose of O.S.No.67 of 2013 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To

The Subordinate Judge,
Kovilpatti.

+1 CC to M/s.P.ATHIMOOLAPANDIAN, Advocate (SR-10898[F] dated 09/03/2022)

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