



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :17.03.2022

CORAM:

THE HONOURABLE MRS. JUSTICE S.ANANTHI

C.R.P (MD) .No.1537 of 2021

and

C.M.P (MD) .No.8461 of 2021

S.Meenakshi Sundaram @ Sundaram ...Petitioner / Plaintiff

Vs.

1.S.Mangayarkarasi

2.Minor S.Sornalingam

3.Minor S.Veluchamy

(Minor respondents 2 & 3 are

rep.by their mother & guardian 1st Respondent)

... Respondents 1 to 3/

Defendants 1 to 3

4.Karaikudi Municipality,

Rep. by its Commissioner,

Karaikudi Taluk,

Sivagangai District.

5.The Assistant Executive Engineer,

TANGEDCO,

Kazhanivasal,

Karaikudi,

Sivagangai District.

...4 & 5 Respondent/Defendants 4 & 5

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 24.08.2021 made in I.A.No.175 of 2018 in O.S No.26 of 2016 on the file of Principal District Judge, Sivagangai and set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr.S.Srinivasa Raghavan

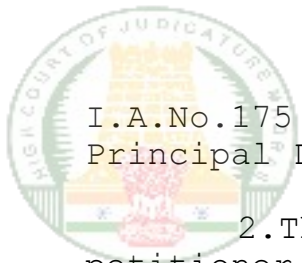
For R1 to R3 : Ms.P.Krishnaveni

R4 & R5 - Dispencc With

ORDER

This Civil Revision Petition has been filed to set aside the impugned fair and decreetal order dated 24.08.2021 made in

<https://hcservices.ecourts.gov.in/hcservices/>



I.A.No.175 of 2018 in O.S.No.26 of 2016 on the file of learned Principal District Judge, Sivagangai.

2.The said I.A.No.175 of 2018 was filed by the revision petitioner/plaintiff under Section 34 of Tamil Nadu Stamp Act for marking the alleged document as one of the exhibits on the side of the revision petitioner/plaintiff, which was dismissed by the learned Principal District Judge, Sivagangai.

3.The learned counsel for the revision petitioner produced the partition deed dated 29.10.1990. On a perusal of the said document, it is seen that whether the partition took place based on the alleged partition deed and whether it can be used of collateral will have to be decided by the trial Court at the time of trial.

4.In view of the above, this Civil Revision Petition is allowed and the fair and decreetal order dated 24.08.2021, made in I.A.No.175 of 2018 in O.S.No.26 of 2016 on the file of learned Principal District Judge, Sivagangai is hereby set aside. The learned Principal District Judge, Sivagangai is directed to mark the document and decide the relevancy of the same at the time of judgment. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vsd

To
The Principal District Judge,
Sivagangai.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-7606[I] dated 28/10/2021)

C.R.P(MD).No.1537 of 2021

and

C.M.P(MD).No.8461 of 2021

17.03.2022

nsn(CO)

TR(20.04.2022) 2P 3C