



C.R.P.No.3547 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.3547 of 2015

and

M.P.No.1 of 2015

Muthulakshmi

....

Petitioner

Vs

1. Mariammal
2. Muthuvediammal
3. Krishnammal
4. Sakaraivel
5. Chinnaraj
6. Chinnasamy
7. Subramani
8. Govindammal

....

Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the petition order dated 08.07.2015 in I.A.No.551 of 2015 in O.S.No.100 of 2012 on the file of the District Munsif, Palacode.

For Petitioner : Mr.R.Selvakumar

For Respondents : No appearance



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ORDER

This Civil Revision Petition has been filed to set aside the petition order dated 08.07.2015 in I.A.No.551 of 2015 in O.S.No.100 of 2012 on the file of the District Munsif, Palacode, thereby dismissing the petition filed to re-open the plaintiff's evidence.

2. The revision petitioner is the plaintiff and the respondents are the defendants. The petitioner filed a suit for partition. The petitioner was examined as P.W.1 and no evidence was adduced on the side of the respondents. Hence, the Trial Court closed the evidence. At that juncture, the petitioner filed a petition to re-open their evidence for the reason that after demise of her father, she applied for legal heir certificate before the Tahsildar. They conducted enquiry in this regard and the records which were perused by the revenue authorities are very much necessary to prove the case before the Trial Court. However, it was dismissed on the ground that it was filed belatedly. Challenging the same, the petitioners are before this Court in this revision.

3. Though notice has been served on the respondents and their



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name is printed in the cause list, there is no representation for the respondents either in person or through counsel.

4. Considering the facts and circumstances of the case, the petitioner may be given one more opportunity to prove her case. Accordingly, the order dated 08.07.2015 in I.A.No.551 of 2015 in O.S.No.100 of 2012 on the file of the District Munsif, Palacode, is hereby set aside and this Civil Revision Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

12.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To

The District Munsif,
Palacode.

G.K.ILANTHIRAIYAN, J.



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