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CRP.Nos. 2767, 2770 & 2771 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

CRP.Nos. 2767, 2770 & 2771 of 2023

and

CMP.Nos. 17106, 15873 & 15846 of 2023

1.Thamaraijothi
2.Ramakrishnan

.. Petitioners
(in all three CRPs)

Versus

Jeyalakshmi

.. Respondent
(in all three CRPs)

Civil Revision Petitions are filed under Article 227 of the Constitution of India, prays to set aside the order dated 10.03.2022 made in I.A.Nos. 4 to 6 of 2022 in O.S.No. 212 of 2020 on the file of the Special Court No.1, Jeyakondam, Ariyalur District.

For Petitioners : Mr.P. Navaneetha Krishnan



COMMON ORDER

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Heard the learned counsel for the petitioners and perused the materials placed on record.

2. On a perusal of the records, it is seen that the respondent/plaintiff has filed the suit in O.S.No. 212 of 2020 before the Special Court No.I, Jayakondam, Ariyalur District, for partition and cancellation of settlement deed vide Doc.No. 2045 of 2016, dated 12.08.2016 and other reliefs. The petitioners/defendants have contested the suit by filing written statement denying all the averments made in the plaint. During the pendency of the suit proceedings, the respondent/plaintiff has filed the application Nos. 4 to 6 of 2022 in O.S.No. 212 of 2020 have been filed seeking to reopen, recall of PW1 and to receive the additional documents. After perusing the records, the Court below allowed the applications by order dated 10.03.2022. Aggrieved by the said orders, the petitioners/defendants have come forward with the present Civil Revision Petition.

3. It is further seen that the Court below ought to have seen that the respondent/plaintiff had filed an applications in I.A.No. 4 of 2022 to re-open the evidence of the plaintiff, I.A.No. 5 of 2022 to re-call the PW1 and I.A.No. 6 of



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2022 to condone the delay and grant leave to file additional documents in the above suit. The written statement was filed in the year 2017. After filing written statement, the evidence was closed on the side of the plaintiff on 12.11.2021 and thereafter, the evidence on the side of the defendants was also closed on 13.12.2021 after examining the witnesses. After the evidence has been closed on either side, the matter was posted for arguments. At this juncture, the respondent/plaintiff has filed the above applications.

4. While that being the case, the suit properties are the self acquired properties of the plaintiff's father after pleading that the suit properties are the ancestral properties which they cannot be permitted to do so. However, the documents 3 and 4 alleged to have been ancestral properties in the plaint, it is found that there are two documents and the same have been produced by the father of the plaintiff before the Court below and based on the said documents, settlement deed has been executed in favour of the mother of the plaintiff. Therefore, the said two documents are necessary for deciding the suit. The suit for partition between the family members of the plaintiff and hence, the said documents 3 and 4 are necessary for marking the documents to decide the issues involved in the suit proceedings. Therefore, the said two documents are necessary for recording evidence and the same can be marked by let in evidence



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and to proceed with the trial. Hence, there is no interfere with the impugned order passed by the Court below.

5. Taking into the above facts and circumstances of the case and the submissions made by the learned counsel on either side, the trial Court is directed to dispose of the suit in O.S.No. 212 of 2020 pending on the file of the Special Court No.I, Jayakondam, Ariyalur District, as expeditiously as possible.

6. With the above directions, the Civil Revision Petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

10.08.2023

Speaking order: Yes/No
Neutral Citation : Yes/No
Index : Yes/No
msm

To

1. The Special Court No.1, Jeyakondam, Ariyalur District.
2. The Section Officer, V.R. Section, High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

msm

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