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C.R.P.No.3793 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.3793 of 2023

and

C.M.P.No.23568 of 2023

Yasodaran

... Petitioner

-Vs-

1. V.Nalini

2. B.Shakila

3. H.Pavalavani

4. S.Daisy

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 20.06.2023 passed in I.A.No.3 of 2023 in O.S.No.3321 of 2019 on the file of I Addl. Judge, City Civil Court, Chennai.

For Petitioner

: Mr.A.M.Krishnamoorthy

ORDER

Challenging the impugned docket order passed in I.A.No.3 of 2023 in O.S.No.3321 of 2019 passed by the learned I Addl. Judge, City Civil Court, Chennai, the Revision Petitioner/defendant preferred this Civil Revision Petition.



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2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner filed an application in I.A.No.3 of 2023 to cause production of certified copies of settlement deeds and deed of cancellation and original patta from the plaintiff. That application was dismissed by the trial judge holding that those documents can be obtained by the defendants through certified copies and patta was already marked as Ex.P3. So, there is no necessity to produce those documents by the plaintiff. Challenging the said findings, the Revision Petitioner preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that originally, the plaintiff filed the suit by relying the settlement deed of the year of 2013, but even prior to that, in the year of 2012, original owner Thulasi, mother of plaintiff executed a settlement deed in favour of her daughters and one son, but in that settlement deed, his name was not mentioned. All the plaintiffs are daughters of the said Thulasi and the



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defendant is the brother of plaintiffs. Now, plaintiffs are relying the documents of the year of 2013. Therefore, the Revision Petitioner/defendant filed an application directing the plaintiffs to cause production of those documents. But, without considering his submissions, the trial judge dismissed the application. Hence, he prayed to set aside the findings of the trial judge.

5. Admittedly, all the documents are registered documents. But, the Revision Petitioner/defendant wanted the original document of settlement deed executed by his mother. If the notice given to the plaintiffs, whether they are having those documents or not, which can be elucidated from the mouth of plaintiffs, for which, the defendant is entitled to file the said application. But, instead of giving such opportunity to the Revision Petitioner/defendant, the trial judge dismissed the application as such is erroneous one and the same is liable to be set aside. Accordingly, this Civil Revision Petition is allowed and the findings of trial judge in I.A.No.3 of 2023 in O.S.No.3321 of 2019 is set aside and the trial judge is directed to take the application on file. On giving notice to the plaintiffs, the trial judge is directed to pass orders on merits within a period of two weeks from the



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date of receipt of copy of this order. No costs. Consequently, connected

Civil Miscellaneous Petition is closed.

06.12.2023

Index : Yes/No

Speaking Order : Yes/No

rpp

N.B. : Issue order copy on 11.12.2023

To

The I Addl. Judge,
City Civil Court,
Chennai.



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T.V.THAMILSELVI, J.

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