



C.R.P.Nos.3141, 3144 and 3146 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2023

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.Nos.3141, 3144 and 3146 of 2019
and C.M.P.No.20560 of 2019

1. Suguna
2. Sumathi

.. Petitioners **in all C.R.Ps**

Vs.

1. Subbarayalu Naidu (died)
2. Lakshmikantha Rao
3. Umamaheswara Rao
4. Bharathi

.. Respondents **in all C.R.Ps**

Common Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the orders passed in I.A.No.1206 of 2018 in O.S.No.241 of 2009, I.A.No.1205 of 2018 in O.S.No.241 of 2009 and I.A.No.1204 of 2018 in O.S.No.241 of 2009 by the District Munsif, Ponneri, Thiruvallur District dated 14.08.2019.

In all C.R.Ps

For Petitioners : Mr.K.Balaji

For Respondents

R1 : Died

R2 to R4 : Mr.N.R.Anantha Rama Krishnan



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COMMON ORDER

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These Civil Revision Petitions have been filed as against the orders passed in I.A.No.1206 of 2018 in O.S.No.241 of 2009, in I.A.No.1205 of 2018 in O.S.No.241 of 2009 and in I.A.No.1204 of 2018 in O.S.No.241 of 2009 dated 14.08.2019 passed by the learned District Munsif, Ponneri, Thiruvallur District, thereby dismissing the petitions to reopen the plaintiff side evidence, to recall P.W.1 and to mark additional documents.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents 2 to 4.

3. The petitioners are the plaintiffs and the respondents are the defendants. The petitioners filed a suit for declaration, partition and for permanent injunction in O.S.No.241 of 2009. After closing both the side evidences, the petitioners filed applications to reopen, recall and to mark additional documents, in order to prove that the suit properties are ancestral properties.

4. A perusal of documents filed by the petitioners are as follows:-



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Serial No	Date if any of documents in Vernacular & in English	Parties to the Documents	Description of Documents
1.	14.6.1936	Kannaian Naidu and Kishamma Naidu and others	Sale deed certified copy
2.	14.6.1944	Obul Naidu and Varadhammal	Settlement deed certified copy
3.	29.6.1984	Subbarayalu Naidu, Rangaian Naidu and two others to Nandagopal	Sale deed- certified copy
4.	1. 1.3.59 2. 4.4.60 3. 25.4.67	Village Munsiff and Obul Naidu	Kist receipts- Original

5. All the documents are sale deeds and settlement deed in order to prove that the suit properties are ancestral properties. The petitioners are the plaintiffs and as such no prejudice would be caused to the respondents herein. Though, it was filed belatedly, it is the duty of the plaintiffs to prove their case.

6. Therefore, this Court is inclined to permit the petitioners to mark the above said documents. The Trial Court is directed to fix a date for further examination of P.W.1 and to mark the documents. If the petitioners failed to examine P.W.1 and failed to mark the documents on the date fixed by the Trial Court, the Trial Court is directed to proceed



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with the Trial, in accordance with law and to dispose of the same, within a period of four weeks thereafter.

7. Accordingly, the orders passed in I.A.No.1206 of 2018 in O.S.No.241 of 2009, I.A.No.1205 of 2018 in O.S.No.241 of 2009 and in I.A.No.1204 of 2018 in O.S.No.241 of 2009 dated 14.08.2019 passed by the learned District Munsif, Ponneri, Thiruvallur District, are hereby set aside. These Civil Revision Petitions are allowed. Consequently, connected Miscellaneous petition is closed. No costs.

01.03.2023

Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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G.K.ILANTHIRAIYAN,J.

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To

The District Munsif, Ponneri, Thiruvallur District.

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