



CRP. No. 3953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

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

CRP No. 3953 of 2023
and CMP No. 24310 of 2023

1.Velayen
2.V.Annamalai

...Petitioners

Vs.

1.T.K.Bhanu @ Sophie
2.M.Selvakumar

....Respondents

PRAYER : This petition filed under Article 227 of constitution of India, to set aside the order in I.A No. 42 of 2022 in O.S No. 479 of 2019 dated 06.07.2023 pending on the file of the II Additional District Munsif Court, Pondicherry.

For Petitioner : Mr. R.Ganesan
For R1 : Mr. A.Kripakaran
For R2 : Notice sent service awaited.



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ORDER

This petition has been filed to set aside the order in I.A No. 42 of 2022 in O.S No. 479 of 2019 dated 06.07.2023 pending on the file of the II Additional District Munsif Court, Pondicherry.

2. The first respondent herein filed I.A No. 42 of 2022 in O.S No. 479 of 2019 to receive the additional documents. After considering the submission on either side, the Court below allowed the said application. Challenging the same, the petitioners herein filed this Civil Revision Petition.

3. The learned counsel for the petitioners submits that the petitioners herein are the defendants in suit O.S No. 479 of 2019 filed by the first respondent herein for the relief of declaration stating that she is the legal heir of the deceased Usha @ Dhanalakshmi and both petitioners filed written statement in the year of 2022 and also issues have been framed and also the first respondent/P.W.1 was also examined and Ex.A1 to Ex.A5 marked. While being so, after delay of 4 years the first respondent filed the application to receive additional documents but the Court below allowed the said application as such is unacceptable and is liable to be set aside. Hence,



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he prays to allow this petition.

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4. The learned counsel for the respondent submits that the suit is at the stage of cross examination of P.W.1. Hence, receiving the said documents would not cause any prejudice to the petitioner and the same was rightly observed by the Trial Court. Furthermore, suppressing the first respondent the petitioners' sold the property belongs to Usha. Hence, he prays to dismiss this petition. But the learned counsel for the petitioners' submits that the respondents herein filed the suit only to declare herself as legal heir and not any other claim in respect of property.

5. On perusal of the records, it reveals that the plaintiffs filed the suit to declare themselves as legal heirs of deceased Usha @ Dhanalakshmi through first husband and claiming herself as legal heir along with the defendants 1 and 2. The learned counsel for the respondent submits that by suppressing the respondents, the petitioner sold the property belongs to Usha in order to prove the same marking of said documents is essential. This Court is of the view that the suit is at initial stage and marking of said documents would not cause any prejudice to the petitioner. Hence, this Court does not find any reason to interfere with the order passed by the Trial Court. Further, the liberty is granted to the plaintiff to take steps to amend



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the pleadings, if necessary and the learned counsel for the petitioner submits that the petitioners have no objection to amend the plaint. Accordingly, this petition is dismissed. No Cost. Consequentially, connected miscellaneous petition is closed.

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To

1. The II Additional District Munsif Court, Pondicherry.



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T.V.THAMILSELVI,J.

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