



C.R.P.(PD)(MD).Nos.2194 and 2195 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)Nos.2194 and 2195 of 2022

and

C.M.P(MD) No.10219 of 2022 in C.R.P(MD) No.2194 of 2022

C.R.P(MD) No.2194 of 2022:

1. Samuthiram
2. Thangarasu

... Petitioners/Respondents/ Defendants
-vs-

1. Murugeshwari
2. Guruvammal

.... Respondents/Petitioners/Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 13.06.2022 passed in I.A.No.1 of 2020 in O.S.No.258 of 2012 on the file of the learned Additional Sub Court, Srivilliputhur.

For Petitioners : Mr.M.P.Senthil
For Respondents : Mr.Porkodikarnan
M/s.Polex Legal Solutions



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C.R.P(MD) No.2195 of 2022:

1. Samuthiram
2. Thangarasu

... Petitioners/Respondents/ Defendants
-vs-

1. Murugeshwari
2. Guruvammal

.... Respondents/Petitioners /Plaintiffs

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 13.06.2022 passed in I.A.No.2 of 2020 in O.S.No.258 of 2012 on the file of the learned Additional Sub Court, Srivilliputhur.

For Petitioners : Mr.M.P.Senthil

For Respondents : Mr.Porkodikarnan
M/s.Polex Legal Solutions

COMMON ORDER

The present Civil Revision Petitions have been filed by the defendants in the suit for partition in O.S.No.258 of 2012 on the file of the Additional Sub-Court, Srivilliputhur.



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2. When the plaintiffs' side evidence was going on after the closure of P.W.1, P.W.1 had filed I.A.Nos.1 of 2020 and 2 of 2020 to recall himself to mark four documents. Both the applications have been allowed by the trial Court. Challenging the same, the present Revision Petitions have been filed.

3. According to the learned counsel appearing for the petitioners, the plaintiffs have not assigned any reason for marking and the relevancy for producing documents, genuineness and validity of the documents. Without ascertain genuineness and validity of the documents, these documents could not be marked. Hence, he prayed for allowing the revision petitions.

4. Considering the fact that the plaintiffs' side evidence has not been closed and the plaintiffs wanted to recall himself as P.W.1 and to mark certain documents, this Court does not find any illegality or infirmity in the order passed by the trial Court in allowing the applications. However, the defendants are at liberty to raise the plea relating to the relevancy, validity and genuineness of documents sought to be marked.



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5. Subject to the above said observations, both the Civil Revision Petitions are disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To
1. The Additional Sub Court,
Srivilliputhur.



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R.VIJAYAKUMAR,J.

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