



C.R.P.No.3823 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition No.3823 of 2023

and

Civil Miscellaneous Petition No.23665 of 2023

P.Chokkammal (deceased)

1. P.Kumar

2. P.Ramesh

...

Petitioners

Vs

1. P.Chandrasekar

2. R. Jagathi

3 M. Jamuna

...

Respondents

Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set-aside the order dated 17.07.2023 passed by the XXIII, Additional Judge, City Civil Court, Chennai in I.A.No.1 of 2023 in O.S.No.6394 of 2022 and allow the said Interlocutory application.



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For Petitioner : Mr K. Shanmugakhani

For Respondent : Mr. Christopher Vijayachandran

ORDER

Challenging the order of dismissal passed by the learned XXIII Additional City Civil Court, Chennai, in I.A.No.1 of 2023 in O.S.No.6394 of 2022 , dated 17.07.2023, the Civil Revision Petition has been filed.

2. The learned counsel for the petitioner submitted that the petitioner is the defendant in O.S.No.6394 of 2023 and the respondent/plaintiff filed the suit for partition of 1/6th share in the suit property by metes and bounds to each of the plaintiffs and to declare the settlement deed dated 23.01.2007 in document No.110 of 2007 in the SRO, T.Nagar executed by the first defendant in favour of the third defendant as null and void. In the above said suit, the petitioner/defendant filed I.A.No.1 of 2023 to receive the documents, viz., 1) counter foil of Bank Challan issued by Bank of Baroda, 2) Receipt issued by M.Ponnusamy dated 14.07.1970 in respect of the housing



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construction of Chockkammal, 3) Notice issued by Income Tax Authorities for the Assessment year 1966-67. The Trial Court, by the impugned order dated 17.07.2023, dismissed the petition and thus pleaded to allow the revision.

3. The learned counsel for the respondent supported the impugned order of the Trial Court and further contended that there is no reason or explanation given by the petitioner/defendant in the affidavit filed by the petitioner/defendant before the Trial Court as to how the documents sought to be marked are relevant to the case and hence, the Trial Court rightly dismissed the petition and thus, seeks to dismiss the revision.

4. I have considered the matter in the light of the submissions made by the learned counsel on both sides and perused the materials available on records carefully.

5. On perusal of the affidavit filed by the petitioner in I.A.No.1 of 2023 before the Trial Court, it is seen that the petitioner had simply stated that the



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petition mentioned documents were in custody of his mother at Bombay and Chennai. But, he has not stated anywhere in the affidavit that how the documents are relevant to decide the issue involved in the suit before the Trial Court. Since the petitioner has not stated anything about the relevancy of the documents, the Trial Court rightly dismissed the petition by passing the impugned order. I find no reason to interfere with the impugned order passed by the Trial Court and also finds no merit in this revision and the same is liable to be dismissed.

6. Accordingly, this Criminal Revision Petition is dismissed. Consequently, connected miscellaneous petition is closed.

12.02.2024

Index: yes/no
Internet:yes/no
mrp

To
XXIII Additional District Judge,
XXIII Additional District Court,
Chennai.

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V. SIVAGNANAM, J.

mrp

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