



C.R.P.(MD)No.287 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.287 of 2023

and

C.M.P.(MD)No.1376 of 2023

Thirumalai Kumar

... Petitioner/Petitioner/Appellant

Vs.

1.Ramesh

2.Sankaralingam

3.The Branch Manager,
Tamilnadu Mercantile Bank,
Pavoorchathiram,
Tenkasi Taluk,
Tenkasi District.

4.The Branch Manager,
Indian Overseas Bank,
Elanji, Tenkasi Taluk,
Tenkasi District.

5.The Branch Manager,
Indian Overseas Bank,
Tenkasi.

... Respondents/Respondents/Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the judgment and decree dated 10-11-2022 passed in I.A.No.1 of 2022 in on the file of the Learned Additional District Court (Fast Track Court), Tenkasi and allow this Civil Revision Petition.



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For Petitioner : Mr.N.Mohideen Basha

For Respondents : Mr.M.Saravanan for R1

Mr.N.C.Ashok Kumar for R2

Mr.S.Micheal Heldon Kumar for R3

No appearance for R4 & R5

* * *

ORDER

Heard both sides.

2.The appellant in A.S.No.54 of 2020 on the file of the Additional District Court (Fast Tract Court), Tenkasi is the revision petitioner herein. The first respondent herein filed O.S.No.119 of 2010 on the file of the Principal Sub Court, Tenkasi seeking partition. Preliminary decree was passed on 13.01.2020. The trial Court held that the Will propounded by the revision petitioner herein was not proved. Questioning the said judgment and decree, the revision petitioner herein filed A.S.No.54 of 2020. In the said first appeal, I.A.No.1 of 2021 under Order 76 of Civil Rules of Practice r/w. Section 151 of Civil Procedure Code to send for certain documents. The petitioner's request was negatived by the Court below vide order dated 10.11.2022. Challenging the same, this civil revision petition came to be filed.



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3.The learned counsel for the revision petitioner reiterated all the contentions set out in the grounds of revision.

4.Per contra, the learned counsel for the first respondent submitted that the impugned order does not warrant interference.

5.I carefully considered the rival contentions and went through the materials on record. In I.A.No.1 of 2021, the documents sought to be sent for are the voucher said to have been signed by late.Pandiya Nadar by affixing his thumb impression on 31.08.2006 and certain other records. According to the petitioner, the documents are in the custody of Indian Overseas Bank, Elanji Branch. The bank filed counter stating that the documents sought for by the petitioner are not available. In these circumstances, the Court below rightly dismissed I.A.No.1 of 2021. Interference is not warranted. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

ias

To:

The Additional District Court (Fast Track Court),
Tenkasi.

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