



CRP(MD).Nos. 401 to 403 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.03.2024

CORAM :

THE HON'BLE MR JUSTICE G.ILANGO VAN

CRP(MD).Nos.401 to 403 of 2024 and
CMP(MD).No.1989 of 2024

Kanthalakshmi

... Petitioner / 2nd defendant
2nd respondent in all CRPs

Vs.

Balammal

... Respondent / petitioner /
Plaintiff in all CRPs

PRAYER: Petitions filed under Article 227 of the Constitution of India to set aside the fair and decreetal order, dated 23.11.2023 passed in I.A.Nos.11, 10 and 12 of 2023 respectively in O.S.No.140 of 2017 on the file of the I Additional District Munsif Court, Tirunelveli.

For Petitioner in all CRPs: Mr. S.A. Ganapathy Raman

COMMON ORDER

These Civil Revision Petitions have been filed against the fair



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and decretal order, dated 23.11.2023 passed in I.A.Nos.11, 10 and 12 of 2023 respectively in O.S.No.140 of 2017 on the file of the I Additional District Munsif Court, Tirunelveli.

2. The suit in O.S.No.140 of 2017 was filed by the respondent herein / plaintiff seeking the relief of partition and separate possession of his share. During the trial, three applications were taken up by the respondent / plaintiff (i) to reopen the evidence of plaintiff and the (ii) to condone the delay in production of documents and (iii) to permit the daughter of the respondent / plaintiff for further examination. Those applications came to be allowed on payment of cost of Rs.2,000/-. Against which, these three Civil Revision Petitions have been filed.

3. The learned counsel appearing for the revision petitioner submitted that she purchased the property in the year 2009 itself. Without knowing the above said fact, now, these applications have been filed seeking the above said relief. The documents now sought to be marked are not necessary and relevant to the suit. With regard to the subject matter of issue, no proper reasons have been assigned by the respondent herein in the above said applications. According to the petitioner, without



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considering the objection made by him, the said applications came to be allowed and hence, filed these civil revision petitions seeking to set aside the order passed by the trial Court.

4. With regard to the relevancy and admissibility of the documents, it can be taken up by the concerned Court at the time of marking the documents. Whatever objection that are available to the petitioner, that can be raised before the trial Court at the relevant time. The relevancy of the documents cannot be gone into by this revisional Court. Since the suit itself is for partition, there can be no prejudice to the revision petitioner in producing the documents, since the delay as mentioned in the affidavit has been accepted by the trial Court.

5. Unless there is no illegality or irregularity in the above said orders, cannot be interfered with by this Court. The cost was ordered to be paid. For valid reasons, it appears that the above said petitions were allowed.

6. With the above observation, these Civil Revision Petitions are disposed of. No costs. Consequently, the connected Miscellaneous



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Petition is closed.

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Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

trp

To

The I Additional District Munsif Court, Tirunelveli.



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G.ILANGOVAAN,J.

Trp

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