



C.R.P(MD).No.528 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.528 of 2024

and

C.M.P(MD)No.2630 of 2024

M.Parvathy

... Petitioner / 1st respondent /
1st defendant

Vs

1.M.Muthurani

... 1st respondent / Petitioner / Plaintiff

2.The Divisional Personal Officer,
Southern Railway,
Madurai Division,
Madurai.

3.The Managing Director /Manager,
Guru Hospital,
No.4/120F, Pandi Kovil Ring Road,
Mattuthavani,
Madurai.

4.The Registrar,
Registration of Birth and Death Officer,
Ward No.28,
Corporation of Madurai,
Thallakulam,
Madurai.

... Respondents 2 to 4/ Respondents 2 to 4/
Defendants 2 to 4



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Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records in pursuance to the Fair and decreetal order passed by the learned Family Court, Madurai in I.A.No.2 of 2023 in O.S.No.2 of 2022 dated 06.01.2024 and it has to be set aside on devoid of merits by allowing this Civil Revision Petition with costs.

For Petitioner : Mr.S.Selvakumar

ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order passed by the learned Judge, Family Court, Madurai in I.A.No.2 of 2023 in O.S.No.2 of 2022 dated 06.01.2024.

2. The suit in O.S.No.2 of 2022 is filed seeking a declaration that the plaintiff is the legally wedded wife of Late.Muniyasamy and for consequential declaration that the judgment and decree passed in H.M.O.P.No.127 of 1994 dated 07.09.1994 is not binding, for mandatory injunction and permanent injunction etc. The defendant also appeared and filed the statement. After framing issues, trial commenced. At that time, a petition was taken out by the plaintiff herein in I.A.No.2 of 2023 under Order 7 Rule 14(3) and under Section 151 of C.P.C, seeking



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permission to file additional documents. That came to be allowed by the trial Court against which this Civil Revision Petition is preferred.

3. Heard both sides.

4. The grievance of the revision petitioner is that, there is no proper description of the documents, contra to evidence. The number of documents also do not tally; Without proper procedure, the petition is filed.

5. On hearing the learned counsel for the revision petitioner, a report is called for from the trial Court as to the record of proceedings and to explain the confusion that arises here. A detailed report is submitted by the trial Court which shows that there is some confusion with regard to the number of documents sought to be produced as additional documents. According to the trial Court, along with the plaint, 25 documents were produced. All these documents were xerox copies. Now the first respondent herein wants to replace the xerox copies with the certified copies. Now the certified copies are also produced before the trial Court. They mis-numbered the serial and now they stated that



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two documents mentioned as Sl.No.26 and 27 are now sought to be produced. Those documents according to the respondent herein were obtained as per the Right to Information Act.

6. The confusion has been clarified by the trial Court. Therefore, this Court is of the considered view that the order dated 06.01.2024 made in I.A.No.2 of 2023 in O.S.No.2 of 2022, is set aside and the matter is remanded back to the learned Judge, Family Court, Madurai, so that the first respondent herein may file proper affidavit by serving copies of the documents to the revision petitioner herein. After filing better affidavit and after hearing both parties, order may be passed afresh.

7. With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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26.03.2024

To

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- 1.The Judge, Family Court, Madurai.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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