



C.R.P(MD).No.1044 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.1044 of 2022

and

C.M.P(MD)No.4192 of 2022

1.Renganayagi

2.Prabu

... Petitioners / Petitioners / 1 and 2 Defendants

Vs

1.N.Kathiravan

2.N.Tamilarasan

... Respondents / Respondents / Plaintiffs

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decree order made in I.A.No.02 of 2019 in O.S.No.22 of 2016 on the file of the Additional District Munsif, Lalgudi, dated 11.01.2022, by allowing this revision.

For Petitioners : Mr.R.Sundar

For R1 and R2 : Mr.C.Vakeeswaran



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ORDER

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This Civil Revision Petition is filed to set aside the fair and decree order made in I.A.No.02 of 2019 in O.S.No.22 of 2016 on the file of the Additional District Munsif, Lalgudi, dated 11.01.2022, by allowing this revision.

2. The suit in O.S.No.22 of 2016 was filed by the respondent herein seeking the relief of permanent injunction and for costs. The plaintiff relied upon a Will dated 06.11.1984. The defendant who is the petitioner herein filed written statement claiming right over the property by way of another deed dated 06.08.1980, executed by the father of the parties. Now, the petition has been taken up by the petitioner herein, for sending the document, that is relied by the plaintiff for verification of the signature. That petition came to be dismissed by the trial Court stating that it is a premature stage to send the document for verification of the signature. Apart from that it is the duty of the plaintiff to prove the Will as per law. According to the trial Court, the stage has not reached to send the same to the experts. Against which, this Civil Revision Petition is preferred.



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3. Now the grievance of the petitioner is that, eventhough the Will has been relied by the plaintiff, they has not chosen to take any steps for proving the Will. Still the trial has not commenced. The stage has not reached for insisting the Court or the parties to send the documents for examination. The parties are at liberty to work out remedy at appropriate time, if the situation so demands.

4. The suit is of the year 2016. Therefore, there shall be a direction to the learned Additional District Munsif, Lalgudi, to dispose of the suit by following this Court's circular in R.O.C.No.1599-A.2009/B5 dated 15.05.2009.

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

04.03.2024

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

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G.ILANGOVA, J.

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To

- 1.The Additional District Munsif, Lalgudi.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
C.R.P(MD)No.1044 of 2022
and
C.M.P(MD)No.4192 of 2022

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