



C.R.P(MD)No.1731 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 31.07.2024

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

**C.R.P(MD)No.1731 of 2024
and
C.M.P(MD).No.10009 of 2024**

1.Vijayalakshmi
2.Padma
3.Gopikannan
4.Saroja

... Petitioners

Vs.

1.Annammal @ Annathayammal
2.The Tahsildar,
Aruppukottai,
having office at Panthalkudi Road,
Virudhunagar.

3.Devaki
4.Ponmalar
5.Ananthan
6.Latha
7.Kannan
8.Rajan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 02.07.2024 passed in Memo in O.S.No.40 of 2021 on the file of the Additional District Court, Virudhunagar.



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For Petitioner : Mr.V.S.Rishikesh

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ORDER

This civil revision petition is filed as against the docket order dated 02.07.2024 passed in Memo in O.S.No.40 of 2021 on the file of the Additional District Court, Virudhunagar.

2. From the case of the parties, it can be seen that the defendants in the written statement itself are relying upon the Will. Therefore, when initially the Will could not be produced and now, the defendants state that after getting the copy of the same from the Bank, the original Will is now sought to be produced and accordingly, it was filed along with the memo.

3. Since the defendants had not filed the said Will originally along with the written statement and now, they are producing the document. In view thereof, the defendants can file the same along with an application and the same shall be considered by the trial Court as expeditiously as possible. The impugned docket order is only a return and not an order rejecting the document. Therefore, the Civil Revision Petition is disposed of on the following terms:-



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(i)The Registry is directed to return the original docket order filed by the defendants in the present civil revision petition;

(ii)It will be open for the petitioners /defendants to file an application to receive the very same Will before the trial Court and the trial Court shall consider the same, especially, when the plea itself has been taken originally in the written statement. It is also represented that now the case is transferred to the Additional District Court, Aruppukottai.

No costs. Consequently, connected Miscellaneous Petition is close.

31.07.2024

NCC:Yes/No

Index:Yes/No

Rmk

Note : Registry is directed to return the original docket order to the petitioners.

To

- 1.The Additional District Judge, Aruppukottai.
- 2.The Additional District Judge, Virudhunagar.



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D.BHARATHA CHAKRAVARTHY, J.

Rmk

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