



C.R.P.(MD)No.2225 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2225 of 2024
and
C.M.P.(MD)No.12590 of 2024

1.Arul Vimalamary

2.Minor Ramal Antony

(Minor represented through his
mother natural guardian/1st petitioner)

... Petitioners / Petitioners / Plaintiffs

Vs.

1.Rai Sagayaraj

2.A.Infanda Jusus Mary

3.Salath

4.V.Saravanan

... Respondents / Respondents / Defendants

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 07.06.2024 in I.A.No.1 of 2022 in O.S.No.163 of 2019 on the file of the Principal District Court, Dindigul and allow this civil revision petition.



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For Petitioner : Mr.H.Lakhsmi Shankar

For Respondents : Mrs.P.Jessi Jeeva Priya
for R1 to R3

R4-unclaimed

ORDER

Heard both sides.

2. The plaintiffs in O.S.No.163 of 2019 on the file of the Principal District Judge, Dindigul are the revision petitioners herein. It is a suit primarily for partition. There are totally 8 items in the suit schedule. In respect of 8th item, an alternative relief for refund of the contribution said to have been made has been sought. The plaintiffs filed I.A.No.1 of 2022 for reception of the documents under Order 7 Rule 14 of C.P.C. The said IA was dismissed vide order dated 07.06.2024. Questioning the same, this civil revision petition came to be filed.

3. The trial in the suit has commenced, in the sense, the proof affidavit has been filed. It is seen that in the plaint, there is a reference to the documents now sought to be received. I am clearly of the view that by admitting the reception of these documents, the respondents are not going to be put to any kind of prejudice. On the other hand, the petitioner's rights will be seriously infringed if the documents are not admitted in evidence. In matters such as



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this, Courts should adopt a liberal approach. In this view of the matter, the impugned order is set aside. The civil Revision Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

19.10.2024

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

To:

The Principal District Court, Dindigul.



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G.R.SWAMINATHAN, J.

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