



C.R.P.(MD)No.2310 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2310 of 2024
and
C.M.P.(MD)No.13078 of 2024

1.P.Kalaiselvi

2.P.Thanganilla

3.P.Vaiyaburi (died)

4.P.Sivajeyam

5.P.Veerakumar

... Petitioners / Respondents / Defendants

Vs.

V.Padmanabhan

... Respondent / Petitioner / Plaintiff

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and to set aside the fair and decreetal order dated 02.07.2024 made in I.A.No.16 of 2024 in O.S.No.24 of 2010 on the file of the Additional District Munsif Court, Thanjavur and set aside and allow the civil revision petition.

For Petitioners : Mr.V.S.Kumara Guru

For Respondent : Mr.N.S.Karthikeyan



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ORDER

Heard both sides.

2. The respondent herein filed O.S.No.24 of 2010 on the file of the Additional District Munsif Court, Thanjavur seeking the relief of declaration and permanent injunction. The suit was decreed as prayed for on 30.04.2021. Aggrieved by the same, the defendants filed A.S.No.10 of 2022 on the file of the Additional Sub Court, Thanjavur. On 05.08.2023, the first appellate Court allowed the appeal and remanded the matter to the file of the trial Court. While so remanding, the first appellate court specifically directed that the trial Court should frame the issues on the basis of the deed of family arrangement dated 17.12.1994. It is stated that this document was enclosed along with the plaint. But inadvertently, it was omitted to be marked in the first round. The plaintiff therefore filed I.A.No.16 of 2024 under Order 7 Rule 14 of C.P.C for reception of this document. Vide order dated 02.07.2024, IA was allowed. Challenging the same, this civil revision petition came to be filed.

3. The learned counsel appearing for the revision petitioners submitted that the document in question is unregistered and un-stamped and that therefore, it is not admissible. In the impugned order, it is made clear that admissibility and relevancy of the document can be gone into the course of trial and on that ground, the document need not be rejected prematurely. The



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defendants were given liberty to raise objection at the time of marking of the document. I am therefore of the view that the impugned order does not in any way affect the rights of the revision petitioners herein. The impugned order is sustained. The civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.10.2024

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

The Additional District Munsif Court, Thanjavur.



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G.R.SWAMINATHAN, J.

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