



C.R.P(MD).Nos.137, 138 and 165 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)Nos.137, 138 and 165 of 2024

and

C.M.P(MD)No.601 of 2024

- 1.Zarina Begum
- 2.Zarjahan Beevi
- 3.Suvairiya Banu
- 4.Mohammed Rishmi
- 5.Shajahan

... Petitioners in all CRPs

Vs

- 1.Mumtaj Begum
- 2.Sikkandar Salim
- 3.Maideen Pitchai
- 4.Rathinavel
- 5.Seervathi
- 6.Divya
- 7.Rubiasyed

... Respondents in all CRPs



C.R.P(MD).Nos.137, 138 and 165 of 2024

Common Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition thereby setting aside the order of the learned District Munsif cum Judicial Magistrate, Thiruchuli dated 30.10.2023 passed in I.A.Nos.3, 4 and 5 of 2023 in O.S.No.19 of 2021 and dismiss the same with costs.

For Petitioners : Mr.S.Parthasarathy

For R1 : Mr.T.Balaji

For R2 and R3 : Mr.M.Jothi Basu

(in all cases)

COMMON ORDER

These Civil Revision Petitions are filed the order of the learned District Munsif cum Judicial Magistrate, Thiruchuli dated 30.10.2023 passed in I.A.Nos.3, 4 and 5 of 2023 in O.S.No.19 of 2021 and dismiss the same with costs.

2. The suit in O.S.No.19 of 2021 was filed by the revision petitioner seeking the relief of partition and for separate possession etc. The defendant appeared and issues were framed. Trial commended and



C.R.P(MD).Nos.137, 138 and 165 of 2024

the case was posted for arguments. At that stage, I.A.No.5 of 2023 was taken out by the third defendant to excuse the delay in producing the certified copy document under Order VIII Rule 1(3) of CPC. I.A.Nos.3 and 4 of 2023 were also filed. In that petition, the revision petitioners and others filed counter. After hearing both sides, those petition were allowed by the trial Court permitting the third defendant to produce the document.

3. Aggrieved over the observation, that was made by the trial Court touching upon the relevancy and merit of the disputed document, these Civil Revision Petitions are preferred by the plaintiffs.

4. Learned counsel for the revision petitioners directly draw the attention of this Court to the Paragraphs 5(6) of the order. It went upto paragraph No. 5(11). During the course of discussion not only the relevancy of the document, merits of the document was also gone into by the trial Court. Probably, on the ground that in the counter, the admissibility of the document was also questioned on the side of the 7 and 8 defendants. On that account, only the admissibility of the



C.R.P(MD).Nos.137, 138 and 165 of 2024

document has gone by the trial Court. Now whatever it may be, since petition has been filed under Order VIII Rule 1(3) of C.P.C., the only point ought to have been decided by the trial Court is that whether the delay has been properly explained.

5. Learned counsel for the respondents would submit that some of the documents were already marked. Now they want to substitute those documents along with the original documents.

6. Whatever it may be now the issue is only with regard to disputed document of Hiba. As rightly pointed out by the learned counsel for the petitioners, the stage has not reached to decide the relevancy and admissibility of the documents. That portion of the observation stands deleted from the order and whatever objection that are available to the revision petitioner over the relevancy proof and admissibility of the document can be taken by them at the time of marking the document by the third defendant. At that time, the trial Court may decide the above said three points and proceed in accordance with law.



C.R.P(MD).Nos.137, 138 and 165 of 2024

7. With the above observation, these three Civil Revision Petitions are disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

29.02.2024

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

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To

- 1.The District Munsif cum Judicial Magistrate, Thiruchuli.
- 2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court, Madurai.



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C.R.P(MD).Nos.137, 138 and 165 of 2024

G.ILANGO VAN, J.

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ORDER
IN
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and
C.M.P(MD)No.601 of 2024

29.02.2024