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C.R.P.(PD)Nos.5057 & 5058 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.01.2025**

CORAM :

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD)Nos.5057 & 5058 of 2024
and C.M.P.No.28362 & 28367 of 2024

In both CRPs.

J.Jayanthi

.. Petitioner

Vs

1.D.Venkatasamy

2.Jansirani @ Thara bai

.. Respondents

Common Prayer: Civil Revision Petitions are filed under Article 227 of the Constitution of India, against the fair and decretal order dated 13.08.2024 made in I.A.Nos.8 & 9 of 2024 in O.S.No.243 of 2017 on the file of the Principal Subordinate Court, Dharmapuri.

In both CRPs.

For Petitioner : Ms.V.Indumathi
Mr.B.Krishnakanth
For R1 : Mr.A.Arun

COMMON ORDER



C.R.P.(PD)Nos.5057 & 5058 of 2024

These revisions challenge the order passed by the learned Principal Subordinate Judge at Dharmapuri in I.A.Nos.8 & 9 of 2024 in O.S.No.243 of 2017, dated 13.08.2024.

2. For the purpose of dealing with these revisions, I need not delve deep into the facts of the case.

3.The civil revision petitioner is the plaintiff and the respondents are the defendants. The bare facts essential are:

The claim of the plaintiff is that the property belonged to one Durairajalu. The said Durairajalu married one Gowri Ammal and from the wedlock, four children namely,

- (i) Deenadayalan,
- (ii) Jayanthi,
- (iii) Venkatasamy and
- (iv) Jansi Rani, were born.

4.The person mentioned first namely, Deenadayalan passed away without having contracted a wedding. Hence, the couple were survived by their two daughters and one son.

5.Claiming that the plaintiff Jayanthi has share in the property, she



C.R.P.(PD)Nos.5057 & 5058 of 2024

presented O.S.No.243 of 2017 for partition and separate possession. The case of the plaintiff is the property belongs to Durairajalu.

6.Per contra, the case of the defendants is that the property belongs to Gowri Ammal. They rely upon two settlement deeds namely, Ex.B2 and Ex.B3 said to have been executed by Gowri Ammal in favour of the 1st defendant on 22.09.1987.

7.Issues were framed. The parties went for trial. The evidence of the plaintiff and the evidence of the defendants have been completed as early as on 31.07.2023. The suit is now listed for arguments.

8.At that stage, the plaintiff, claiming that she had not signed the settlement deeds as a witness, took out two applications in I.A.Nos.8 & 9 of 2024 seeking to reopen the evidence of P.W.1 in order to produce the certified copies of Exs.B2 and B3. According to the plaintiff, she is not a party to the aforesaid documents and hence, wanted to exhibit the same before the Court.

9.The 1st respondent/1st defendant filed a counter opposing these



C.R.P.(PD)Nos.5057 & 5058 of 2024

applications. According to him, it is not his case that the plaintiff is a party to the documents. He pointed out during the course of cross-examination of P.W.1/plaintiff, nowhere it was even suggested that she is a party to the documents. It was his specific plea that those applications were filed in order to drag on the proceedings and to avoid making submissions in the suit.

10.The learned Principal Subordinate Judge at Dharmapuri agreed with the defendants and dismissed the applications. Hence, these revisions.

11.I heard Mr.B.Krishnakanth for the civil revision petitioner and Mr.A.Arun for the 1st respondent. I have gone through the records including the impugned order and the depositions of P.W.1 and D.W.1.

12.The purpose of production of the certified copies of Exs.B2 and B3, as pleaded by the plaintiff, is to demonstrate before the Court that she is not a party to the documents. When it is not the defendants' case that the plaintiff is a party to those documents, the production of the certified copies at the instance of the plaintiff is absolutely unessential. The crux



C.R.P.(PD)Nos.5057 & 5058 of 2024

of the suit is whether the property belongs to Durairajalu or to Gowriammal. For this purpose, the attempt at filing of certified copies of Exs.B2 and B3 is only an attempt to drag on the proceedings. I do not find any reasons to take a different view than the one taken by the learned Principal Subordinate Judge at Dharmapuri.

13.Both the civil revision petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

27.01.2025

Index:Yes/No
Speaking order/Non-speaking order
Neutral Citation : Yes/No

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To

The Principal Subordinate Court, Dharmapuri.

V. LAKSHMINARAYANAN,J.



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