



A NO. 6210 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2025

CORAM

WEB COPY

THE HONOURABLE DR JUSTICE G. JAYACHANDRAN

A NO. 6210 of 2024 in C.S.No.366 of 2021

N.Srinivasan

S/o A.S.Nataraja Sharma, No.5, Gardenia Ct, Plainsboro, Nj
08536, Usa

Applicant(s)

Vs

N.Sairam And 3 Others

S/o A.S.Nararaja Sharma, No.10/12, Ground Floor, Ganapathi
Street, Triplicane Chennai 600 005.

Respondent(s)

For Applicant(s): Mr. Suresh Sampath

For Respondents: Mr.K.Chandrasekaran

ORDER

In a Suit for partition, while examining the plaintiffs certain new facts have been brought it in the proof affidavit regarding the income derived from the property to be divided and also two additional documents were filed on behalf of the plaintiffs.

2. After extensive cross-examination of plaintiffs' side witness, the defendant has taken out an application filed under Section Order XI Rule 12 r/w Section 30 and 151 of C.P.C seeking direction to the respondents/plaintiffs to make a discovery on oath of the documents morefully stated in the application.



ore

3. The first plaintiff/first respondent has filed a counter to the effect that there is no need to disclose and the application for discovery of fact on oath is not maintainable.

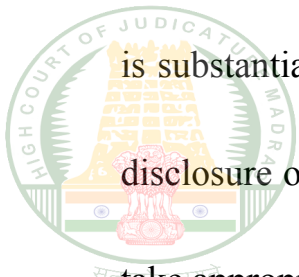
WEB COPY

4. However, this Court after hearing both side counsel at length, finds that initially the plaintiffs have taken a stand that the property which is now sought to be divided is vacant and no income is derived from it. However, in the counter when the defendant has brought out certain facts that the property been let out and derives some income. In the proof affidavit, the plaintiffs have disclosed the income and expenditure. The said statement of income and expenditure has now been doubted and disputed. In this connection, the application under Section Order XI Rule 12 r/w Section 30 and 151 of C.P.C has been filed.

5. The first plaintiff/first respondent has filed counter and the learned counsel has also made an endorsement that except Exs.P.9, P.10 and P.11, the plaintiffs have no accounts to submit.

6. In the light of the above endorsement, this Court is of the view that there is no necessity to brood on this issue any further except to draw adverse interference if necessary, once the Court arrives at the conclusion that the relevant facts sought under this application not been truly disclosed.

7. The main relief sought by the plaintiff regarding division of the property left by the mother



is substantially conceded. Therefore, the examination of witness can proceed. I the
disclosure of the fact which is now sought under this application after the trial, the Court can
take appropriate decision.

WEB COPY

8. Accordingly, this application is disposed of .

06-01-2025

Vv

To

1. N.Sairam

S/o A.S.Nararaja Sharma, No.10/12, Ground Floor, Ganapathi Street,
Triplicane Chennai 600 005.

2. N.Bhuvaneshwari

D/o A.S.Nataraja Sharma W/o S.Sriraman, Plot No.302, Srinivisan Street, Golden
George Nagar, Nerkundaram, Chennai 107.

3. N.Karpagam

D/o A.S.Nataraja Sharma W/o G.Ravi, No.1, 2nd Main Road, Bsnl Officers Quarters,
No.4, Cit Colony, Mylapore, Chennai 600 004.

4. N.Vasanthi

D/o A.S.Nataraja Sharma No.10/12, Ground Floor, Ganapathi Street, Triplicane,
Chennai 52