



C.R..P.(PD)(MD).Nos.647 and 648 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)Nos.647 and 648 of 2025

and

C.M.P(MD) No.3474 of 2025

C.R.P(MD) No.647 of 2025:

1. Thangaraj

2. Rathi

... Revision Petitioners/
Petitioners/Plaintiffs

Vs.

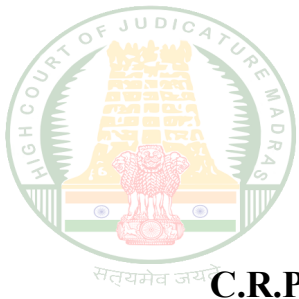
1. Velusamy

2. Mariyammal

... Respondents/
Respondents
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order in I.A.No.17 of 2024 in O.S.No.74 of 2018, dated 08.11.2024 on the file of the learned Additional District Judge, Tenkasi.

For Petitioners : Mr.P.Vadivel



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C.R.P(MD) No.648 of 2025:

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1. Thangaraj

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... Revision Petitioners/
Petitioners/Plaintiffs

Vs.

1. Velusamy

2. Mariyammal

... Respondents/
Respondents
Defendants

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the fair and decreetal order in I.A.No.16 of 2024 in O.S.No.74 of 2018, dated 08.11.2024 on the file of the learned Additional District Judge, Tenkasi.

For Petitioners : Mr.P.Vadivel

COMMON ORDER

The plaintiffs in O.S.No.74 of 2018, on the file of the learned Additional District Judge, Tenkasi, are the revision petitioners herein.



C.R..P.(PD)(MD).Nos.647 and 648 of 2025

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2. The above said suit has been filed for the relief of partition and for declaration stating that two documents said to have been executed by one Kathalingam are null and void.

3. When the suit was posted for arguments, the plaintiffs have filed I.A.Nos.16 and 17 of 2024 to reopen and to produce additional witnesses on their side for the purpose of proving that the said Kathalingam was not being at good health when he had executed the two documents. These two applications have been dismissed by the trial Court on the ground that these applications have been filed much belatedly that too, at the stage of arguments. Challenging the same, the present Civil Revision Petitions have been filed.

4. According to the learned counsel appearing for the revision petitioners, the said Kathalingam was not at good health. Unless the villagers are examined, for the said purpose, they would not be in a position to prove their case. He further contended that the previous applications were filed for some other relief and therefore, the dismissal of those applications cannot be cited as a reason for dismissing I.A.Nos.16 and 17 of 2024.



C.R..P.(PD)(MD).Nos.647 and 648 of 2025

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5. Heard the learned counsel appearing for the revision petitioners and perused the material on records.

6. A perusal of the plaint averment reveals that the plaintiffs have questioned the thumb impression of the said Kathalingam and they have raised certain doubts over the documents which are challenged in the suit. The plaintiffs have availed full opportunity during trial and after closure of the defendant side evidence, when the suit is posted for trial after a period of six years, the present applications have been filed. A perusal of the plaint further reveals that the plaintiffs have not questioned the physical health condition of the said Kathalingam in their plaint. In such circumstances, the examination of the villagers is not necessary for proving the case of the plaintiffs. The plaintiffs would be entitled to prove their case through the documents. In such circumstances, the trial Court has rightly dismissed the said applications and there are no merits in these Civil Revision Petitions.



C.R..P.(PD)(MD).Nos.647 and 648 of 2025

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7. Accordingly, these Civil Revision Petitions stand dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

03.03.2025

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

1. The Additional District Judge,
Tenkasi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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C.R..P.(PD)(MD).Nos.647 and 648 of 2025

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C.R.P(PD)(MD)Nos.647 and 648 of 2025

03.03.2025



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C.R..P.(PD)(MD).Nos.647 and 648 of 2025