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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM

THE HON'BLE MR. JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.631 of 2025

and

C.M.P(MD)No.3416 of 2025

Gowrichamy

...Petitioner/Petitioner/Defendant

Vs.

Somasundaram

...Respondent/Respondent/Plaintiff

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records relating to the Fair and Decreetal order dated 16.12.2024, passed in I.A.No.7 of 2024 in O.S.No.8 of 2019, by the Additional District Court, Sivagangai, and set aside the same and allow the above C.R.P.

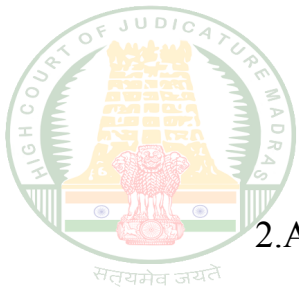
For Petitioners : Mr.V.S.Kumara Guru

For Respondent : Mr.A.V.Arun

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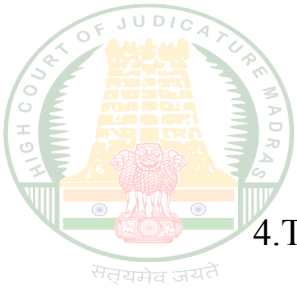
ORDER

The defendant in O.S.No.8 of 2019, on the file of the Additional District Court, Sivagangai, has filed the present revision petition challenging the disallowed portion in I.A.No.7 of 2024, wherein the trial Court has refused to permit the defendant to mark an unregistered partition deed.



2.A perusal of the records reveal that the respondent herein has filed the above said suit for the relief of partition and separate possession. Pending suit, the defendant has filed I.A.No.7 of 2024, seeking permission of the Court for reception of the 12 documents. The trial Court has proceeded to allow the said application except with regard to Sl.No.1, in the document list, which is nothing but an unregistered partition deed, dated 08.07.1988. Challenging the disallowed portion, the defendant has filed present revision petition.

3.According to the learned Counsel appearing for the revision petitioner, the Hon'ble Supreme Court in a judgment reported in **2020 (9) SCC 1**, Paragraph No.137.5, has held that the plea of oral partition, if it is supported by public documents can be taken into consideration as a defence in a suit for partition. However, this Court is not inclined to accept the said contentions in view of the fact that in the present case, the defendant has not pleaded oral partition. He has relied upon an unregistered partition deed, dated 08.07.1988. A perusal of the said documents reveals that the partition has taken place only under the document and it is not a record of past events. In such view of the matter, the trial Court has rightly rejected the request of the petitioner for marking of the unregistered partition deed.



4. Therefore, there are no merits in the revision petition. Accordingly, this

Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

08.04.2025

Internet: Yes/No

Index: Yes/No

RJR

To

The learned Additional District Judge,
Sivagangai.

Copy to:-

The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.



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R.VIJAYAKUMAR, J.

RJR

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