



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.02.2025

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1789 of 2022

and

C.M.P(MD)No.7955 of 2022

N.V.Jegatha

...Petitioner/Revision Petitioner/Plaintiff

Vs.

1.N.Jegatheesan

2.N.Seethalakshmi

...Respondents/Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the Fair and Decretal Order, dated 15.07.2022 passed in I.A.No. 41 of 2022 in O.S.No.54 of 2015 on the file of the Additional District Court, Theni.

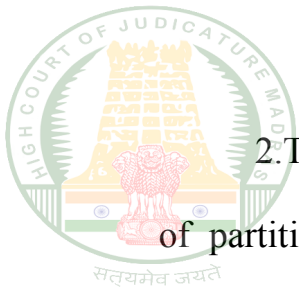
For Petitioner : M/s.D.Nallathambi
for Mr.Vallinayagam, Senior Counsel

For Respondents : Mr.V.Chandrasekar

* * * * *

ORDER

The plaintiff in O.S.No.54 of 2015, on the file of the Additional District Court, Theni at Periyakulam, is the revision petitioner herein.



2.The revision petitioner herein had filed the above said suit for the relief of partition and separate possession of her 1/3 shares in the suit schedule properties. She has also prayed for declaration that the relinquishment deed, dated 01.08.2012, is not binding upon the plaintiff.

3.The plaintiff side evidence was closed and D.W.1 has completed his deposition. At that stage, the plaintiff had filed I.A.No.41 of 2022 to call for the attendance register from KLRF Textiles to prove that her husband was not available in the Sub Register office on 01.08.2012. This application has been dismissed by the trial Court. Challenging the same, the present revision petition has been filed.

4.According to the learned Counsel appearing for the revision petitioner, the defendant has specifically contended in his written statement that her husband had received consideration for the relinquishment deed on 01.08.2012 while accompanying his wife. Therefore, it is imperative to prove that her husband was working in the KLRF Textiles on the said date. The learned Counsel appearing for the revision petitioner further contended that he would file an application for examining her husband. Hence, the present revision petition has been filed.

5.Per contra, the learned Counsel appearing for the respondents/defendants had contended that the suit for partition has been filed



and the document of the year 2012 is challenged. He further contended that the plaintiff without examining her husband cannot seek for calling for attendance register from the alleged employer.

6.The trial Court has dismissed the application on the ground that the plaintiff has admitted the execution of the documents, but the only defence is that, the document was obtained by misrepresentation and no consideration had passed. In the said circumstances, the production of the attendance register of the plaintiff's husband would not be of any relevance to the disposal of the suit.

7.This Court is of the considered opinion that without examining the husband of the plaintiff, such an application to call for the attendance register from the employer of the petitioner's husband would not be maintainable. That apart, the plaintiff has to establish that the document was obtained by misrepresentation and no consideration had passed.

8.In view of the above said facts, there are no merits in the revision petition. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

07.02.2025

Internet: Yes/No

Index: Yes/No

RJR

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R.VIJAYAKUMAR, J.

RJR

To

The learned Judge,
The Additional District Court, Theni.

Copy to:-

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

C.R.P.(PD)(MD)No.1789 of 2022

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