

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) NO.234 OF 2015
AND M.P.NO.1 OF 2015

Viruthambal ... Petitioner

Vs.

Selvaraj ... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 01.08.2014 made in I.A.No.533 of 2014 in O.S.No.215 of 2008 on the file of the Principal District Munsif cum Judicial Magistrate, Chengam.

For Petitioner : Mr.C.Munuswamy

ORDER

This Civil Revision Petition is directed against the order dated 01.08.2014 passed in I.A.No.533 of 2014 in O.S.No.215 of 2008 by the learned Principal District Munsif cum Judicial Magistrate, Chengam.

2.The petitioner had instituted the suit in O.S.No.215 of 2008 on

the file of the Principal District Munsif cum Judicial Magistrate, Chengam, against the respondent and two others praying for declaration of her right over the suit property and for consequential permanent injunction. The defendants have been contesting the suit.

3.The respondent / third defendant filed an application in I.A.No.533 of 2014 under Order VIII Rule 3(A) of the Code of Civil Procedure to receive the documents stating that he could not produce the documents earlier and they are vital documents to decide the suit. The petitioner objected the application stating that he is only a purchaser and he has not entered with any lease agreement. It is further contended that the documents produced by the third defendant was already marked in the suit. The learned Principal District Munsif cum Judicial Magistrate, Chengam allowed the application on 01.08.2014.

4.Aggrieved by the order dated 01.08.2014, the present Civil Revision Petition is filed.

5.Mr.C.Munuswamy, learned counsel for the petitioner has submitted that the purchase made by the respondent is hit by Section 52 of Transfer of Property Act and he could not claim any right over the suit property. It is further submitted that the respondent has not assigned any reason to

produce the documents in the belated stage.

6.It is seen from the records that the petitioner has filed the suit for declaration of her title over the suit property and for permanent injunction. The respondent / third defendant has disputed the title claimed by the plaintiff in their written statement. The third defendant wanted to mark the sale deed, patta and kist receipts to establish his right over the suit property. The Trial Court, having satisfied with the case of the third defendant and to afford an opportunity to the defendants, has allowed the application. Hence, I do not find any reason to interfere with the order impugned in this Civil Revision Petition.

7.In the result, this Civil Revision petition is dismissed. However, the Trial Court is directed to dispose of the suit within a period of three months from the date of receipt of a copy of this order. It is settled law that mere marking of the documents will not establish the title of the parties. No costs. Consequently, connected miscellaneous petition is closed.

03.02.2015

Index : Yes/No
Internet : Yes/No
TK

K.KALYANASUNDARAM, J.

TK

To

The Principal District Munsif
cum Judicial Magistrate
Chengam.

C.R.P.(PD) NO.234 OF 2015

03.02.2015