

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) Nos.4147, 4148 and 4149 of 2015&
M.P.No.1 of 2015 in CRP No.4147 of 2015,
Crl.M.P.No.1150 of 2016 in CRP No.4147 of 2015,
Crl.M.P.No. 1151 of 2016 in C.R.P.No.4148 of 2015 &
Cr.M.P.No.1152 of 2016 in CRPNo.4149 of 2015

Mani

... Petitioner

VS

K.S.Jaganathan

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and decreetal order passed by the learned Additional District Judge at Dharmapuri in I.A.Nos.220, 221 and 222 of 2015 in O.S.No.71 of 2010 dated 30.09.2015.

For Petitioner : Mrs.Thanga Vadhana Balakrishnan

For Respondent : Mrs.Usha Raman

COMMON ORDER

These revisions challenge the order of learned Additional District Judge, Dharmapuri passed in I.A.Nos.220, 221 and 222 of 2015 in O.S.No.71 of 2010 on 30.09.2015.

2. The petitioner is the fourth defendant in the suit preferred by the plaintiff seeking declaration of title and permanent injunction. This suit has been preferred against as many as seven defendants. I.A.Nos.220 to 222 of 2015 have been moved towards reopening of evidence, recall of the petitioner/fourth defendant and to produce certified copy of two documents, viz., a sale deed registered as document No.1275 of 1932 dated 26.05.1932 and a document informing title to pathway, registered as document No.1982 of 1932, dated 17.07.1932. These applications have been moved at the stage of arguments and the court below has informed that the petitioner/fourth defendant had claimed to be a joint pattadar holding an extent of 5 acres in survey No.867/2, that the documents relied upon by the plaintiff were false and concocted and had denied the title of the plaintiff. It had observed that the petitioner claimed right over the property only through patta granted by the revenue authorities, there was no pleading with regard to the documents

sought to be produced and the same would not be of help to defend case of the petitioner and therefore, informed the view that the petitions were meant only to protract the proceedings.

3. Heard learned counsel for petitioner and learned counsel for respondent.

4. Though the applications have been moved at a very later stage in the case, it is seen that the contention of the defendants was that only on research, he came to know of a document relating to the property in question and of the year 1932. It is the contention of the petitioner that these documents would break the plaintiff's claimed flow of title to the properties. It is his contention that the documents sought to be produced are of the year 1932 and relate to the very same survey number in question. In the circumstances, this court is of the view that the orders under challenge are liable to be set aside. Accordingly, these revisions shall stand allowed. The court below shall recall the petitioner for the purpose of his further cross examination and permit him to mark the two documents referred to, subject to admissibility, relevance and proof, question which may be reserved for final adjudication. The observations made herein are only towards disposal of the present revisions and have no bearing whatsoever on the merits of the case of

either parties. No costs. Consequently, connected miscellaneous petition is also closed.

15.07.2016

Index:yes/no
Internet:yes
vrc

To

The V Assistatn Judge,
City Civil Court,
Chennai.

C.T.SELVAM, J

vrc

Civil Revision Petition (PD) Nos.4147,
4148 & 4149 of 2016

15.07.2016