



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2016

CORAM :

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THE HONOURABLE MR.JUSTICE **K.KALYANASUNDARAM**C.R.P. (PD) (MD) No.1479 of 2016
and C.M.P. (MD) No.7241 of 20161.Deivanai
2.Mohamed Kasim
3.Mohideen Pitchai
4.Noorjahan
By their Power Agent
Mohamed Abdul Aziz... Petitioners/Petitioners/
3rd Parties

Vs.

1.K.Govindaraj
2.M.Durai
3.Rajendran
4.M.Lakshmi Narayanan... Respondent/Respondent/Plaintiff
... Respondents/Respondents/
Defendants 1 to 3

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India against the fair and decreetal order passed in I.A.NO.828 of 2014 in O.S.No.472 of 2013 on the file of the 1st Additional District Munsif Court, Tirunelveli dated 24.06.2016.

For Petitioners : Mr.T.Selvan

O R D E R

This revision is directed against the fair and decreetal order dated 24.06.2016 passed by the learned 1st Additional District Munsif Court, Tirunelveli, in I.A.No.828 of 2014 in O.S.No.472 of 2013.

2.The first respondent, as plaintiff, filed a suit O.S.No.472 of 2013 before the learned I Additional District Munsif, Tirunelveli against the respondents 2 to 4 for declaration and permanent injunction. The petitioners filed I.A.No.828 of 2014 to implead them as the defendants 4 to 7 contending that items 2 and 3 of the suit scheduled properties belonged to them and the plaintiff has no manner of right, title or interest over the same. The petition was dismissed by observing that the petitioners have not produced any documents in support of their case.

3. Mr.T.Selvan, learned counsel for the petitioners would submit that as per the Exchange Deed dated 03.12.1912, the petitioners are claiming right over the property and subsequent



documents are lease deed dated 6.11.1913 and the pattas issued on 12.03.2014 and 24.03.2014 to establish their title. However, those documents could not be filed before the trial court. If an opportunity would be given to them to file those documents, they can establish their case before the trial court.

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4. The learned counsel has also filed a typed set of papers containing exchange deed, release deed and pattas.

5. Considering the above fact, the impugned order passed in I.A.NO.828 of 2014 in O.S.No.472 of 2013 is set aside and the matter is remanded back to the trial court for fresh disposal.

6. In the result, this Civil Revision Petition is allowed. No costs. Consequently, connected C.M.P.(MD) No.7241 of 2016 is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

CM

To

The 1st Additional District Munsif Court,
Tirunelveli

+1CC to Mr.T.SelVan, Advocate Sr.No.42016

GJM/KBM/10.8.16-2p-3c

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