

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1832 of 2017
& C.M.P.No.8780 of 2017

1. K.Somasundaram
2. Jayanthi

.. Petitioners

Vs.

Madhaiyan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the petition and order dated 28.03.2017 in the complaint dated 20.02.2017 in O.S.No.201 of 2012 on the file of the learned District Munsif Court, Sankari.

For Petitioners : Mr.G.K.Ilanthiraiyan for
M/S.Sai Bharath Ilan

ORDER

This Civil Revision Petition has been filed against the petition and order dated 28.03.2017 in the complaint dated 20.02.2017 in O.S.No.201 of 2012 on the file of the learned District Munsif Court, Sankari.

2. The petitioners are the defendants and the respondent is the plaintiff in O.S.No.201 of 2012. The respondent filed the suit to declare the settlement deed dated 08.08.2005 executed by the first petitioner in favour of the second petitioner as null and void and for permanent injunction. The petitioners filed written statement and are contesting the suit. The suit filed by the respondent was dismissed for default on 07.02.2014.

3. The respondents filed two applications in I.A.Nos.920 and 921 of 2015 to condone the delay in filing the petition to restore O.S.No.201 of 2012 and to restore O.S.No.201 of 2012. Both the applications were returned on 12.02.2015, giving four weeks time for compliance of the defects pointed out therein. Those applications were represented on 18.04.2015.

4. According to the petitioners, at that time of representation, the respondent manipulated the date of return as 12.04.2015 instead of 12.02.2015. The petitioners lodged a compliant before the learned Judge to initiate criminal action for the offence committed by the respondent for the forgery and manipulation.

5. The learned Judge verified the court records and found that the concerned staff made a mistake in writing "1" instead of February, 2015 and he corrected as 12.02.2015. The said over writing looks like 12.04.2015 and respondent has not manipulated the date and rejected the complaint given by the petitioner.

6. Against the petition and order dated 28.03.2017 in the complaint dated 20.02.2017 in O.S.No.201 of 2012, the petitioners have filed this revision petition.

7. Heard the learned counsel for the petitioners and perused the materials available on record.

8. From the records, it is seen that the learned Judge has verified the court records and come to the conclusion that the respondent has not corrected and manipulated the date of return and rejected the complaint given by the petitioners.

9. In view of the verification of the Court records by the learned Judge and come to the conclusion that there is no

manipulation or forgery, I hold that there is no error in the order of the learned trial Judge warranting interference by this Court.

10. In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2017

Index : Yes/No

asi/kj

To

District Munsif Court, Sankari.

V.M.VELUMANI, J.

asi/kj

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