

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2017

CORAM

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

CRP(PD)Nos.1891 and 1892 of 2017

&

CMP.No.9441 and 9442 of 2017

K.Jagannathan .. Petitioners in both CRPs
..Vs..

1. K.Chandrasekaran
2. S.Murugesan

.. Respondents in CRP(PD)No.1891 of 2017

3. R.Kamali .. Respondent in CRP(PD)No.1892 of 2017

Prayer In CRP(PD)No.1891 of 2017:-

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 12.01.2017 made in Unnumbered Memo in O.S.No.105 of 2011 on the file of the District Munsif Court at Nagapattinam.

Prayer In CRP(PD)NO.1892 of 2017:-

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 12.01.2017 made in Unnumbered Memo in O.S.No.104 of 2011 on the file of the District Munsif Court at Nagapattinam.

For Petitioner : Mr.K.M.Nalinishree

COMMON ORDER

The issues involved in both the Civil Revision Petitions are one and the same and they are taken up together and disposed of by this common order.

2. These petitions are filed to set aside the docket orders dated 12.01.2017 made in Unnumbered Memo in O.S.Nos.105 and 104 of 2011 on the file of the District Munsif Court, Nagapattinam respectively.

3. The petitioner is the defendant in both the suits. The respondents in CRP(PD) No.1891 of 2017 are the plaintiffs in O.S.No.105 of 2011 and the respondent in CRP(PD) No.1892 of 2017 is the plaintiff in O.S.No.104 of 2011. The respondents filed the respective suits for permanent injunction restraining the petitioner herein from entering the respondents' property. The petitioner filed a memo for marking the settlement deed dated 14.10.1987 executed by wife of Govindaraj in favour of Govindaraj and sale deed dated 18.02.1993 executed by Ramamirtham and others in favour of Prabhakaran Ramamurthy. The respondents opposed the said memo and submitted that by Judgment dated 12.04.2004 made in O.S.No.219 of 2003, the learned Judge held that the above two documents sought to be marked by the petitioner were

declared as invalid. In view of the Judgment in O.S.No.219 of 2003 dated 12.04.2004, when original documents itself are inadmissible, the certified copy of those documents cannot be marked.

4. The learned Judge considering the materials on record especially the Judgment dated 12.04.2004 passed in O.S.No.219 of 2003 marked as Ex.A5, dismissed the memo filed by the petitioner holding that in view of Ex.A5, the documents are inadmissible in evidence and held that the judgement relied on by the learned counsel for the petitioner are not applicable to the facts of the present case.

5. The learned counsel appearing for the petitioner submitted that P.W.2, Sarathambal, the plaintiff in the O.S.No.219 of 2003 has stated that she did not sell the property to the respondents and hence the documents are admissible in Evidence and the learned Judge erred in rejecting the documents.

6. Against the docket order dated 12.01.2017 made in Unnumbered Memo in O.S.Nos.105,104 of 2011 on the file of the District Munsif Court at Nagapattinam, the present civil revision petitions are filed by the petitioner.

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

8. The petitioner is seeking to mark two copies, the settlement deed dated 14.10.1987 and sale deed dated 18.02.1993. The validity of these two documents were considered by the competent court in O.S.No.219 of 2003 and by Judgment and decree dated 12.04.2004 held that those documents are invalid. In view of these facts, the learned Judge has rightly dismissed the memo filed by the petitioner by giving cogent and valid reasons. There is no irregularity or illegality warranting interference by this Court with the docket order dated 12.01.2017 made in Unnumbered Memo in O.S.Nos.105 and 104 of 2011.

9. In the result, these Civil Revision Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.06.2017

sjj/ssd
Index :Yes / No
Internet:Yes / No
Speaking Order/Non Speaking Order

V.M.VELUMANI,J

sji/ssd

To

The District Munsif Court,
Nagapattinam.

CRP(PD)Nos.1891 and 1892 of 2017
&
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