

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.12.2017

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRP(PD)No.4516 of 2017

and

C.M.P. No.21304 of 2017

K.Pavadai

..Petitioner

Vs.

J.Sasikala

..Respondent

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 11.08.2017 passed in I.A. No.263 of 2016 in O.S. No.762 of 2015 by the learned II Additional District Munsif at Puducherry.

For Petitioner

: Mr.R.Arumugam

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 11.08.2017 passed in I.A. No.263 of 2016 in O.S. No.762 of 2015 by the learned Additional District Munsif at Puducherry.

2. According to the learned counsel for the petitioner, the respondent has filed the suit in O.S. No.762 of 2015 before the II Additional District Munsif at Pondicherry for permanent injunction against the revision petitioner/defendant. The revision petitioner has filed the application in I.A. No.263 of 2016 under Order 7 Rule 11 of the Code of Civil Procedure to reject the plaint. According to the petitioner, already he has filed a written statement raising the plea as mentioned in the I.A. No.263 of 2016. The respondent/plaintiff created forged document for purchasing the suit property and the same is confirmed by the Tahsildar, Taluk Office, Outlgaret and District Registrar, Puducherry. The District Registrar of Puducherry has passed an order dated 03.03.2016 annulling the sale deed executed in favour of the respondent/plaintiff. On the basis of the said order, the petitioner has filed an application in I.A. No.263 of 2016 under Order 7 Rule 11 of the Code of Civil Procedure.

3. According to the learned counsel for the petitioner, the District Registrar, Puducherry passed an order by holding that the respondent/plaintiff has created a forged document. Hence there is no cause of action for filing the said suit. In view of the order passed by the District Registrar of Puducherry, the Court has rejected the application by stating that the said order of District Registrar is subject to the out come of suit. Challenging the said order, the petitioner has filed the Civil Revision Petition before this Court.

3. On a perusal of the order passed by the District Registrar, Puducherry, it is seen that the District Registrar came to a conclusion to annul the sale deed in document No.5404 of 2006 dated 30.08.2006 with immediate effect for the reason stated in the order. But, however, the said order will be subject to the final order in O.S. No.728 of 2015 for possession and title declaration. When the said order passed by the authority has clearly indicated that the same would be subject to the outcome of the Civil Suit, therefore, the Court below has rightly dismissed the said application. Therefore, this Court is not incline to interfere with the order passed by the Court below, as there is no illegality or infirmity in the said order. But, however at this stage, the learned counsel for the petitioner sought for early disposal of the said suit, as the revision petitioner, being a senior citizen is aged about 64 years.

5. In the light of the submission made by the learned counsel for the petitioner, the civil revision petition dismissed with a direction to the trial Court to dispose of the suit as early as possible. No costs. Consequently, connected miscellaneous petition is closed.

11.12.2017

rkp
 Index :Yes/No
 Internet:Yes/No
 Speaking order/Non Speaking order

D.KRISHNAKUMAR,J.
rkp

To

The II Additional District Munsif,
Puducherry.



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