

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.553 of 2015
& M.P.No.1 of 2015

C.Ashok

.. Petitioner

Vs.

1.Selvam

2.Sivagaminathan

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 27.10.2014 made in I.A.No.32 of 2014 in O.S.No.19 of 2014 on the file of the Principal Sub Judge, Mayiladuthurai.

For Petitioner : Mr.V.Alamelu

For Respondents : Mr.S.Sounthar

ORDER

This Civil Revision petition has been filed against the fair and decretal order dated 27.10.2014 made in I.A.No.32 of 2014 in O.S.No.19 of 2014 on the file of the Principal Sub Judge, Mayiladuthurai.

2.The petitioner is plaintiff and respondents are the defendants in O.S.No.19 of 2014 on the file of the Principal Sub Judge, Mayiladuthurai. The petitioner filed the said suit against the respondents for declaration and recovery of possession.

3.According to the petitioner, the suit property originally belonged to one Ramaiyan and Government issued patta to the said Ramaiyan. The petitioner purchased the property from Ramaiyan and the Government also issued patta in his name. He paid charges for the surveyor to measure the property. When the surveyor came to measure the property, the respondents did not allow the surveyor to measure the property. The petitioner came to know that respondents have encroached the suit property. In the circumstances, he filed the suit for declaration and recovery of possession. He also filed I.A.No.32 of 2014 for appointment of Advocate Commissioner as respondents refused to allow the surveyor to measure the property.

4.According to the respondents, the property belonged to one Pattammal and Natesan. After the death of Pattammal, the respondent purchased the property from the legal heirs of

Pattammal and Natesan. They purchased the house site along with building containing R.C.C roof.

5.The petitioner is claiming that suit property is a vacant land; whereas the respondents claim that they purchased the house site with building. The learned Judge, considering the averments in the affidavit, counter affidavit, plaint and written statement, dismissed the application.

6.Against the said order of dismissal dated 27.10.2014 made in I.A.No.32 of 2014 in O.S.No.19 of 2014, the petitioner has come out with the present Civil Revision Petition.

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

8.From the materials on record and from the impugned order, it is seen that both the petitioner and respondents are claiming title to the suit property based on the registered sale deeds. It is for the parties to prove the title by letting in acceptable evidence. The petitioner is claiming that suit property is a vacant land; whereas the respondents are claiming that there is building in the suit

property. In view of the same, the contention of the respondents that petitioner is trying to collect the evidence through Advocate Commissioner has considerable force. The learned Judge has considered all the above facts and dismissed the application by giving cogent and valid reason. There is no illegality or irregularity warranting interference by this Court with the order of the learned Judge dated 27.10.2014 made in I.A.No.32 of 2014 in O.S.No.19 of 2014.

9.In the result, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

21.12.2017

Internet: Yes/No
Index: Yes/No
gsa

सत्यमेव जयते

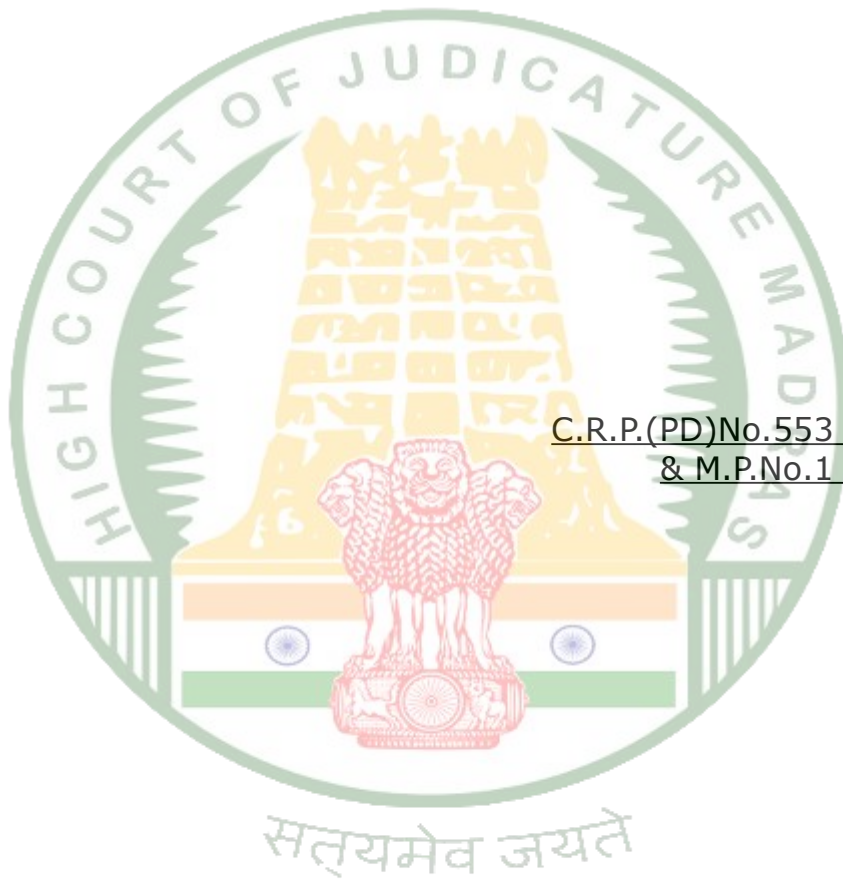
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To

The Principal Sub Judge,
Mayiladuthurai.

V.M.VELUMANI, J.

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