



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2017

CORAM:

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THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD) Nos. 107 to 110 of 2017 (NPD)

1. V.Marimuthu
2. Subramani
3. V.Paulraj
4. V.Thangaraj
5. V.Veluchamy

... Petitioners in CRP.107/2017

V. Subban @ Subbaiah
Selvam @ Selvaraj
P.Amsu

... Petitioner in CRP.108/2017
... Petitioner in CRP.109/2017
... Petitioner in CRP.110 /2017

Vs.

- 1.S.Venugopal
- 2.S.Venkatesan
- 3.S.Vanitha

4.The Assistant Commissioner,
Ponmalai Division,
Thiruchirapalli Corporation Office,
Trichy.

5.The Sub Registrar,
K.Sattanoor Sub Registration Office,
K.K.Nagar, Trichy

... Respondents in all CRPs

Prayer in all CRPs: These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the order dated 23.08.2016 and 30.08.2016 respectively made in O.S.SR.Nos.1404 of 2014, 1407 of 2016, 225 and 226 of 2016 respectively, on the file of the learned Principal District Munsif, Thiruchirappalli.

For Petitioner : Mr.B. Jameel Arasu

COMMON ORDER

These Civil Revision Petitions are filed against the order dated 23.08.2016 and 30.08.2016 respectively made in O.S.SR.Nos.1404 of 2014, 1407 of 2016, 225 and 226 of 2016 respectively, on the file of the learned Principal District Munsif, Thiruchirappalli.

2. The petitioners filed O.S.SR.Nos.1404 of 2014, 1407 of 2016, 225 and 226 of 2016 for declaration that sale deed executed by the respondents 1 and 2 in favour of third respondent, registered on



the file of the fifth respondent is in-valid and null and void and for consequential injunction.

3. According to the petitioners in CRP(MD).No.107 of 2017, the lands in question originally belonged to one Krishnasamy Ayyangar. The petitioner's father viz., Veeran was a cultivating tenant under Krishnasamy Ayyangar. After death of Krishnasamy Iyyanger, his son Rangasamy Ayyangar sold the property to the father of the petitioners by a registered sale deed dated, 11.09.1997 for valid sale consideration. From that date, the petitioners' father was in possession and enjoyment of the property. After death of their father, petitioners are in possession and enjoyment of the said property. While so the respondents 1 and 2 forged the documents and sold the property to third respondent, without having any title. They tried to interfere with the peaceful possession and enjoyment of the petitioners. Therefore, the petitioners gave a police complaint and filed suit.

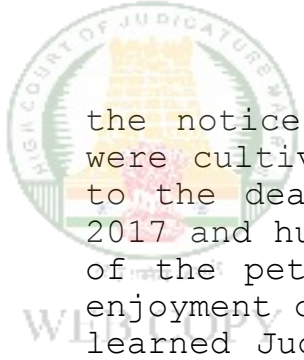
4. According to the petitioners in CRP(MD).Nos.108 and 109 of 2017, the above said Rengasamy Iyyangar sold the property in question directly to the petitioners herein for valuable consideration and in so far as CRP(MD).No.110 of 2017, the land in question was sold to the petitioner's husband / Late. Palaniyandi for valuable consideration, after they cultivated the said lands for quite long time.

5. The learned Judge returned the plaint for various defects including a direction, directing the petitioners to file the original sale deed to substantiate their case that father of the petitioner in C.R.P(MD).No.107 of 2017 and petitioner in CRP(MD).No.108 of 2017 and husband of the petitioner in CRP(MD).No.109 of 2017. The petitioners did not produce the original sale deed dated 11.09.1997 and submitted that as per the notice issued by land Survey Department, the possession of the petitioners' is confirmed.

6. The learned Judge considering the compliance submitted by the petitioners and the averments in the plaint rejected the plaint on the ground that there is no cause of action for the suit and the petitioners have not made out any prima facie case for numbering the suit. The learned Judge also considered the judgments relied on by the counsel for the petitioners and held that those judgments are not applicable to the facts of the present case.

7. Against the said order of rejection, the present Civil Revision Petitions have been filed.

8. The learned counsel appearing for the petitioners submitted that father of the petitioner in C.R.P(MD).No.107 of 2017, petitioner in CRP(MD).No.108 of 2017 and husband of the petitioner in CRP(MD).No.109 of 2017 purchased the property from original owner on 11.09.1997 for valuable consideration and they are in possession and enjoyment of the property. Their possession was confirmed by



the notice issued by the land Survey Department to them and they were cultivating the land and earning their livelihood. Subsequent to the death of the father, the petitioner in C.R.P(MD).No.107 of 2017 and husband of petitioner in CRP(MD).No.109 of 2017 and husband of the petitioner in CRP(MD).No.109 of 2017 are in possession and enjoyment of the property as owners. He further submitted that the learned Judge is not correct in rejecting the plaint on the ground that no cause of action has arisen. The learned Judge ought to have numbered the suit and decide the question of maintainability if respondent raised the said issue.

9. I have heard the learned counsel appearing for the petitioners and perused the materials available on record.

10. The petitioners are claiming ownership as per the unregistered sale deed dated 11.09.1997 executed in their father. According to the petitioners, the respondents 1 and 2 have no title to the suit property. They forged the documents and executed the sale deed in favour of the third respondent. The suit filed by the petitioners is for declaration that sale deed executed by the respondents 1 and 2 in favour of third respondent is invalid and null and void on the ground that the petitioners are owners of the suit property. Petitioners did not file the original sale deed, dated 11.09.1997 along with plaint.

11. The learned Judge returned the plaint to rectify various defects and also directed the petitioners to file original sale deed, so as to ascertain, whether prima facie case is made out by the petitioners and whether any cause of action has arisen.

12. The petitioners did not file said document, but, contending that the notice issued by the survey Department and revenue records confirmed the possession of the petitioners' father and husband respectively and subsequently, their possession. Those documents will not prove the title of the petitioners. The learned Judge rightly held that petitioners failed to file the documents to substantiate their claim and rejected the plaint in SR stage. There is no irregularity or illegality warranting interference by this Court, in the return by the learned Principal District Munsif, Thiruchirappalli.

13. In the result the Civil Revision Petitions are dismissed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar



To

The Principal District Munsif,
Thiruchirappalli.

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+ 1 CC TO Mr.B.JAMEEL ARASU, ADVOCATE IN SR No. 3462

TRP

TE/SV-MMS : 02/03/2017 : 4P/3C

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