



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2017

CORAM

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P (PD) (MD) No.1145 of 2017

and

C.M.P (MD) No.5238 of 2017

C.Murugesan

.. Petitioner

Vs.

1.M.Gandhimathi

2.M.Bose@Pandiduraisamy

3.M.Babu@Rajendran

4.M.Muthupandi@Muthuvelpandian

5.M.Thangapadi@Lakshmanan

6.A.R.Alamelu

7.P.Thiyagarajan

8.D.Velusamy

9.D.Allirani

.. Respondents

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decretal order dated 28.03.2017 in E.A.No.19 of 2017 and E.A.No.5 of 2016 in E.P.No.5 of 2013 made in the file of the District Munsif Court, Theni on file.

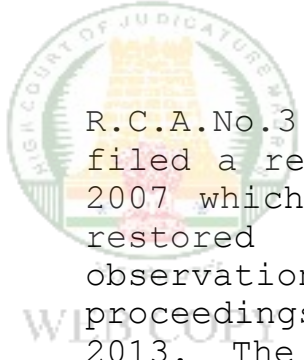
For Petitioner : Mr.B.Rajesh Saravanan

For Respondents : Mr.T.S.R.Venkataraman

for R1 to R5 for Caveator

ORDER

This revision petition is filed by the third party to the proceedings. The history of litigation is that one Gandhimathi who is the original owner of demised premises has filed R.C.O.P.No.3 of 1998 on the file of the Rent Controller, District Munisf, Theni against the tenant namely, Saraswathi Ammal. Though now Sarawathi Ammal is no more, the Rent Control Proceedings ended in the favour of landlord. The appeal preferred by the tenant in



R.C.A.No.3 of 2005 was dismissed. Aggrieved by that, the tenant filed a revision petition before this Court in C.R.P(MD)No.410 of 2007 which was initially dismissed for non-prosecution and later restored and finally dismissed on 25.01.2010 with certain observation about the conduct of the tenant in dragging the proceedings. Meanwhile, the landlord has preferred E.P.No.5 of 2013. The tenant has not stopped with the dismissal of her revision petition, but again filed a Review Application No.13 of 2015 which happened to be dismissed on 08.06.2015 and also took up the matter to the Hon'ble Supreme Court by way of a Special Leave Petition and the same was also dismissed on 27.10.2015. The landlord has filed an application for police protection to take back the possession of the property. This application was also allowed by the Court below on 20.08.2015.

2.While so, the revision petitioner herein has filed an application to mark the document dated 29.12.2011 alleged to have been executed by Ganthimathi in his favour.

3.The Court below after detailed analysis of the case history as well as the document proposed to be filed by the third party Murugasen, has dismissed the petition. Aggrieved by that, the present revision petition has been filed on the ground that the lower court failed to appreciate that law and has erroneously dismissed the petition.

4.The counsel for the revision petitioner submits that the Court below has failed to note that the revision petitioner sought to mark the document only to show his possession over the disputed property. It is also contended that the Court below failed to take note that for collateral purpose, an unregistered and unstamped document can be marked.

5.The Trial Court has dismissed the application holding that the document sought to be marked cannot be used for collateral purposes since its unstamped and unregistered document.

6.The conduct of the revision petitioner shows that he attempts to introduce fake documents in judicial proceedings to defeat the order of the Court rendered in RCOP.No.3 of 1998. Hence, this Civil Revision Petition is dismissed with cost of Rs.3,000/-. Consequently, C.M.P(MD)No.5238 of 2017 is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To

The District Munsif, Theni

+One cc to Mr.B.Rajesh Saravanan, Advocate, SR.No.60882

+One cc to Mr.T.S.R.Venkata Ramana, Advocate, SR.No.60636

<https://hcservices.mca.gov.in/hcservices/>

RL/4C/2P/KP/SAR1/5/7/2017

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