



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

CRP(PD)(MD)No.1754 of 2017
and
CMP(MD)No.9453 of 2017

K.Muthukumar ... Revision Petitioner/Plaintiff

vs.

V.Gopal ... Respondent/Defendant

Petition filed under Article 227 of the Constitution of India, against the fair order and executable order passed in I.A.No.178/2017 in O.S.No.56/2014 order dated 27.07.2017 on the file of the District Munsif, Sivagangai.

For Petitioner : Mr.C.Jawahar Ravindran

ORDER

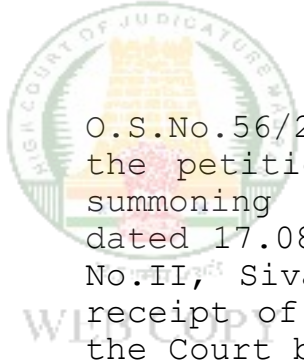
This revision petition has been filed against the fair and executable order passed in I.A.No.178/2017 in O.S.No.56/2014 dated 27.07.2017 on the file of the District Munsif, Sivagangai.

2.The learned counsel for the petitioner would aver that the revision petitioner/plaintiff filed I.A.No.178 of 2017 to send the sale deed document dated 17.08.1990 registered as document No.915/1990 in the office of the Joint Sub Registrar No.II, Sivagangai. The lower Court without considering the reason stated in the affidavit filed along with I.A has dismissed the application. Hence, the petitioner has come forward with the present revision petition challenging the dismissal of I.A.

3.The reason assigned by the Court below for dismissal of the I.A. is that the petitioner has not filed application for summoning the concerned authority and to mark documents so as to send it for expert opinion. Only on that ground, the Court below has dismissed the application.

4.Since it is only a procedural flaw, no notice is necessary to the respondent.

5.Since the revision petitioner has to prove his case for sending the aforesaid document for expert opinion, to meet the ends of justice, the impugned order passed in I.A.No.178/2017 in



O.S.No.56/2014 dated 27.07.2017 is set aside and this Court directs the petitioner to file an application before the Court below for summoning the concerned authority to mark the sale deed document dated 17.08.1990 available in the office of the Joint Sub Registrar No.II, Sivagangai, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the Court below shall entertain the same and pass appropriate orders on merits and in accordance with law within a period of two weeks thereafter.

With the above direction, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

The District Munsif,
Sivagangai.

+1cc to Mr.C.JAWAHAR RAVINDRAN Advocate in SR. No. 82969

Bala

JS/JC/SAR.1/1.11.2017/2P-3C

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