

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.2494 of 2015
& M.P.No.1 of 2015

Muthareddy (died)
1.Rathinamma
2.B.R.Sharadha

.. Petitioners

Vs.

Santhanam Pillai

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decretal order dated 03.06.2015 made in I.A.No.87 of 2015 in O.S.No.252 of 1997 on the file of the District Munsif Cum Judicial Magistrate Court No.1, Hosur.

For Petitioners : M/s.P.Mani

For Respondent : M/s.Sripriya
for Mr.V.Raghavachari

ORDER

This Civil Revision Petition is filed to set aside the fair and decretal order dated 03.06.2015 made in I.A.No.87 of 2015 in O.S.No.252 of 1997 on the file of the District Munsif Cum Judicial

Magistrate Court No.1, Hosur.

2.The petitioners are plaintiffs 2 and 3 and respondent is defendant in O.S.No.252 of 1997 on the file of the District Munsif Cum Judicial Magistrate Court No.1, Hosur. The petitioners along with one deceased Mutha Reddy filed the said suit for declaration of title of the petitioners to the "A" schedule property, permanent injunction directing the respondent from putting up any construction in the "A" schedule property and mandatory injunction directing the respondent to remove the illegal construction put up in the "A" schedule property and also to remove the windows put up adjacent to the "B" schedule property.

3.The respondent filed written statement on 07.01.1999 and additional written statement on 11.10.2013. After commencement of trial, the petitioners filed I.A.No.87 of 2015 for filing additional documents i.e., certified copies of gift deed executed by first plaintiff, deceased Mutha Reddy in favour of his son, M.Venkata Rajendra Reddy on 27.11.2009 and another deed dated 30.03.2011 executed by M.Venkata Rajendra Reddy in favour of second petitioner/third plaintiff. According to the petitioners, these documents were executed pending suit and are necessary to prove

their case.

4.The respondent filed counter affidavit and opposed the said application on the ground that petitioners have not produced original gift deeds and earlier in the years 2002 and 2005, suit was dismissed for default and restored on payment of cost. The petitioners filed various applications only to drag on the proceedings and prayed for dismissal of the application.

5.The learned Judge considering the materials on record and direction of this Court to dispose of the application within a period of three months, dismissed the application.

6.Against the said order of dismissal dated 03.06.2015 made in I.A.No.87 of 2015 in O.S.No.252 of 1997, the petitioners have come out with the present Civil Revision Petition.

7.Heard the learned counsel for the petitioners as well as the respondent and perused the materials available on record.

8.The petitioners are seeking to mark the certified copies of

two gift deeds. They have not stated that in whose custody, the original documents are and the reason for non filing of the original documents while filing the suit. The petitioners have not given valid reason for seeking to mark the certified copies which are secondary evidence. Admittedly, these documents are executed subsequent to filing of the suit. From the nature of documents, which are gift deeds, the contention of the learned counsel for the respondent that these documents must be with the petitioners has considerable force.

9. For the above reason, this Civil Revision Petition is dismissed as devoid of merits. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

02.02.2018

Index : Yes/No

gsa

To

The Judge,
District Munsif Cum Judicial Magistrate Court No.1,
Hosur.

WEB COPY

V.M.VELUMANI, J.

gsa



C.R.P.(PD)No.2494 of 2015
& M.P.No.1 of 2015

WEB COPY

02.02.2018