

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.961 to 963 of 2015

Parthasarathy

.. Petitioner in
all C.R.Ps.

Vs.

1.Anandhan
2.Purushothaman
3.Kathirvelu

.. Respondents in
C.R.P.No.961/2015

1.Palanivelu
2.P.Durai

.. Respondents in
C.R.P.No.962/2015

Lakshmi Devi Ammal @ Lakshmi Ammal

.. Respondent in
C.R.P.No.963/2015

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, to set aside the fair and decretal orders dated 30.07.2014 made in I.A.Nos.5883, 5884 and 6618 of 2014 respectively in O.S.Nos.4601, 4728 of 2009 and 4328 of 2009 on the file of the XIV Assistant City Civil Court, Chennai.

For Petitioner : Mr.P.Sivamani

For Respondents : Mr.H.Kishore

COMMON ORDER

These Civil Revision Petitions are filed to set aside the fair and decretal orders dated 30.07.2014 made in I.A.Nos.5883, 5884 and 6618 of 2014 respectively in O.S.Nos.4601, 4728 of 2009 and 4328 of 2009 on the file of the XIV Assistant City Civil Court, Chennai.

2.The petitioner and the issues involved in all the Civil Revision Petitions are one and the same and therefore, they are disposed of by this common order.

3.The petitioner in all the Civil Revision Petitions are defendant and respondents are plaintiffs respectively in O.S.Nos.4601, 4728 of 2009 and 4328 of 2009 on the file of the XIV Assistant City Civil Court, Chennai. The petitioner filed written statement and is contesting the suit. Trial commenced. The respondents let in evidence as P.W1 and was cross examined. The petitioner examined himself as D.W1 and marked copies of documents. The petitioner was directed to produce all the originals, especially Ex.A1 along with sketch attached in the said document. The petitioner applied for certified copy of the sale deed. The

certified copy of the sale deed furnished by the Sub-Registrar did not contain the sketch. In such circumstances, it is necessary to issue subpoena to the Sub-Registrar of Purasawalkkam to produce the sale deed dated 30.06.1973 registered as Doc.No.1122/1973.

4.The respondents filed separate counter affidavits and contended that the petitioner is having original sale deed with sketch. The petitioner deliberately removed the sketch attached to the original document on the ground that if the same is produced, it will have adverse effect on his claim and prayed for dismissal of the applications.

5.The learned Judge considering the affidavits, counter affidavits, the fact that the xerox copy of the sale deed filed by the petitioner containing 8 pages, certified copy of the sale deed filed by the petitioner contains only 7 pages, number of pages in the certified copy of the sale deed issued by the Sub-Registrar is not mentioned and petitioner must be having original sale deed and he has filed xerox copies with 8 pages, dismissed the application, holding that there is doubt of genuineness of the document and petitioner has not given any reason for not filing the original

document and application filed by the petitioner is only abuse of process of law and waste of time.

6. Against the said orders of dismissal dated 30.07.2014 made in I.A.Nos.5883, 5884 and 6618 of 2014 respectively in O.S.Nos.4601, 4728 of 2009 and 4328 of 2009, the petitioner has come out with the present three Civil Revision Petitions.

7. The petitioner has filed applications for issue of subpoena to the Sub-Registrar of Purasawalkkam to produce the sale deed dated 30.06.1973 bearing document No.1122/1973 from their office. According to the petitioner, the sketch alleged to have been attached with the sale deed is not available with the sale deed in the Sub-Registrar office also. The Sub-Registrar, Purasawalkkam has issued certified copy of the sale deed containing only 7 pages without sketch. To prove that no sketch is available along with the sale deed dated 30.06.1973, it is necessary to summon the Sub-Registrar. On the other hand, the respondents have contended that petitioner deliberately removed 8th page in the sale deed, which is the sketch.

8.From the impugned order, it is seen that the petitioner filed xerox copy of the sale deed containing 8 pages and also certified copy filed by him does not contain number of pages issued by the Sub-Registrar, dismissed the applications, holding that the applications are abuse of process of law. The learned Judge has given valid reasons for dismissing the applications. There is no illegality or irregularity warranting interference by this Court with the orders of the learned Judge dated 30.07.2014 made in I.A.Nos.5883, 5884 and 6618 of 2014 respectively in O.S.Nos.4601, 4728 of 2009 and 4328 of 2009.

9.In the result, these Civil Revision Petitions are dismissed. No costs.

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Index :: Yes/No
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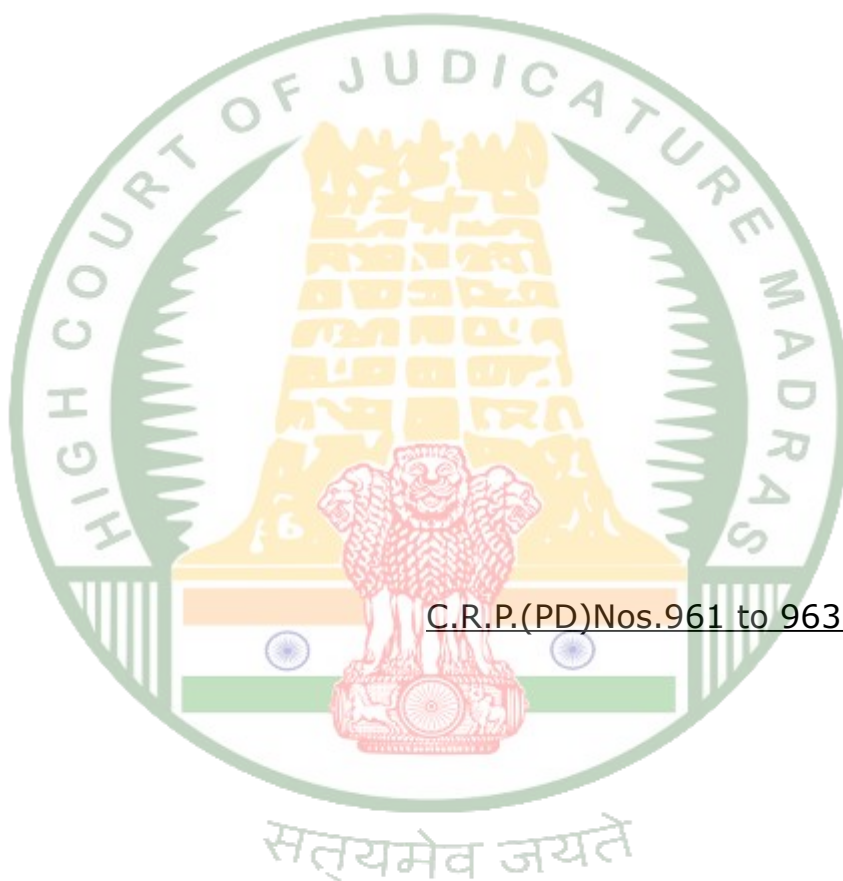
To

The XIV Assistant Judge,
City Civil Court, Chennai.

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V.M.VELUMANI,J.

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