



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (PD) (MD) No.722 of 2016

and

C.M.P. (MD) No.3423 of 2016

Vairaperumal

... Petitioner / Petitioner / Plaintiff

/Vs./

1.Mariappan

2.Nallammal

3.Ponraj

4.Pandian

5.Jayalakshmi

... Respondents / Respondents / Defendants

Prayer: Civil Revision Petition - filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 07.10.2015 in I.A.No.1 of 2015 in O.S.No.189 of 2007 on the file of the District Munsif Court, Kulithalai.

For Petitioner

: Mr.K.Govindarajan

For R-1, 3 & 4

: Mr.AN.Ramanathan

For R-2 & R-5

: Tapal not yet returned

ORDER

The plaintiff in O.S.No.189 of 2007 on the file of the District Munsif, Kulithalai, is the revision petitioner herein. The suit has been filed for obtaining the relief of declaration and permanent injunction. The alternative prayer for recovery of possession has also been made. The suit was filed on the strength of a sale deed dated 05.08.1999. The defendants denied having executed the sale deed. Therefore, it is the duty of the plaintiff to establish that the said sale deed was actually executed by the first defendant namely Mariappan. Therefore, the revision petitioner filed I.A.No.1 of 2015 to pass an order to send for the original document that is in the custody of the Sub-Registrar Office, Tharagampatti, Kadavur Taluk, Karur District. The said I.A.No.1 of 2015 was dismissed by the Court below by an order dated 07.10.2015. The correctness of the said order is questioned in this civil revision petition.

2. The Court below has rightly observed that the petitioner / plaintiff did not even set out the purpose for which the document is being sent for. The plea of the plaintiff is to call for the thumb impression of the first defendant as affixed in the records of the Sub-Registrar Office. But, the Court below obviously cannot compare the thumb impression. It would not have



the requisite exercise. The plaintiff had not made any request for appointing an Advocate Commissioner to secure expert opinion in this regard. It is for this reason, I.A.No.1 of 2015 came to be dismissed. This Court cannot fault the reasons set out in the order impugned in this civil revision petition. Hence, the order impugned in this civil revision petition is confirmed. Accordingly, the civil revision petition is liable to be dismissed.

3. Of course, the plaintiff is at liberty to file a fresh application on the same cause of action setting out the reasons as to why sending for the thumb impression register is sought for.

4. With these observations, this civil revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar(CS-I)

To

The District Munsif, Kulithalai.

+1cc to Mr.K.Govindarajan, Advocate Sr.No.82173
+1cc to Mr.AN.Ramanathan, Advocate Sr.No.82109

SM

VB/PM/SAR1/04.10.2018/2P/4C

Order made in
C.R.P. (MD) (PD) No.722 of 2016
03.09.2018