

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P(PD).Nos.841 & 842 of 2019
&
C.M.P.No.5486 of 2019

Kamurudeen

...Petitioner

Vs

1.Abdul Samadhu

2.Maliga Be

3.Abdul Mazid

4.John Basha

5.Akbar Basha

6.Raabiya. Be

7.Jalima. Be

8.Abdul Jabbar

9.Shayade

10.Tmt.Kalpana Karmal Mary

11.Shayad Basha



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12.Mabarak

13.Mannan Basha

14.Sheik Mohamed Ismail

15.T.M.T.Rojan Be

16.Inayathullah

17.Shakitha

18.Umar Be

19.Rubiya (Minor)

20.Ashik (Minor)

21.Shaba

22.Ujabha

23.Sharbudeen

... Respondents

Prayer in C.R.P.No.841 of 2019: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.83 of 2019 in O.S.No.188 of 2012 dated 06.02.2019, on the file of the District Munsif, Sankarapuram.

Prayer in C.R.P.No.842 of 2019: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order passed in I.A.No.84 of 2019 in O.S.No.188 of 2012 dated 06.02.2019, on the file of the District Munsif, Sankarapuram.

For Petitioner : Mr.S.Kamadevan

COMMON ORDER

The above Civil Revision Petitions are filed challenging the orders passed by the learned District Munsif, Sankarapuram in I.A.Nos.83 and 84 of 2019, which are the applications for re-opening the suit and to examine the Sub-Registrar, Sankarapuram as DW-5 on the side of the plaintiffs. It is seen that the plaintiffs had filed a suit to declare variety of documents as null and void and not binding upon them and ultimately for bare injunction restraining the defendants from alienating or encumbering the suit schedule properties and also interfering with the peaceful possession and enjoyment of the suit properties by the plaintiffs.

2.The plaintiffs in their plaint have stated that pursuant to a power of attorney executed by the 1st defendant in favour of the 2nd defendant several documents have been fabricated and brought into existence. The 14th defendant had filed his written statement on 19.12.2012. Thereafter, the examination of the witness had commenced and when the matter was listed for

arguments then at this Juncture the said applications have been filed by the revision petitioner/plaintiff to examine the Sub-Registrar with reference to the signature in each of those documents.

The learned Judge, while dismissing the appeals has rightly observed that the Sub-Registrar is not an expert who can speak upon the veracity of the signatures in the documents and the petition to re-open the suit for the purpose of examining DW-5 is also highly belated and devoid of merits. I find no infirmity in the order passed by the learned Judge. Therefore, the Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, connected Civil Miscellaneous Petition is also closed.

सत्यमेव जयते

04.03.2019

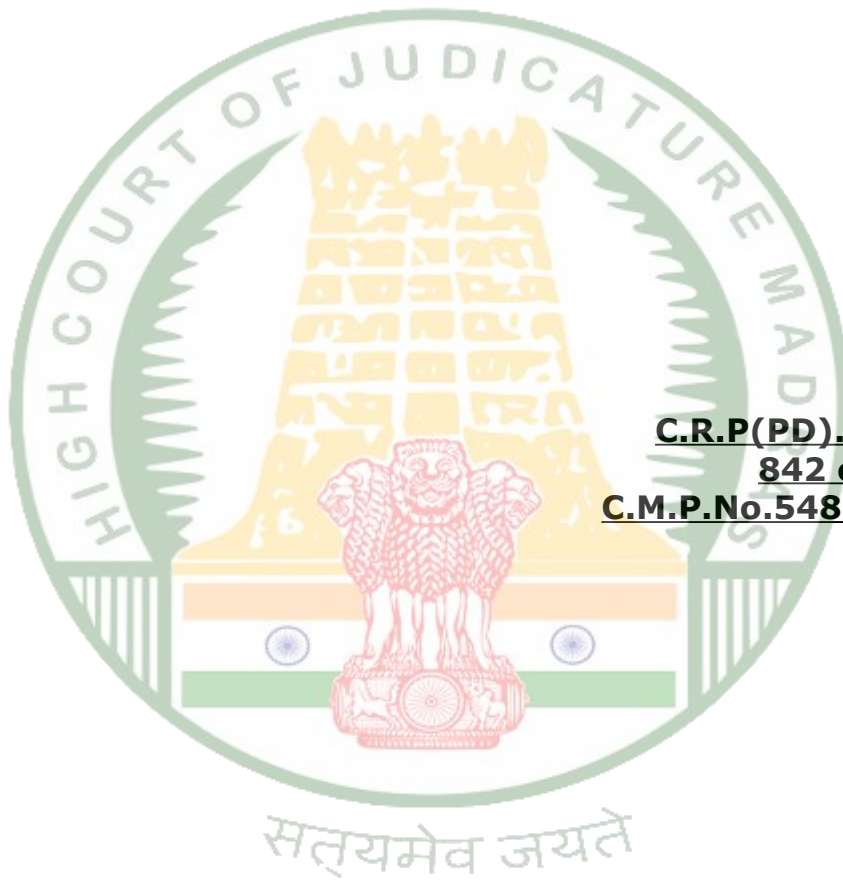
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Index : Yes/No
Speaking order/non-speaking order

To,
The District Munsif,
Sankarapuram

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P.T.ASHA, J.,

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**C.R.P(PD).No.841 &
842 of 2019 &
C.M.P.No.5486 of 2019**

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