

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.No.4700 of 2013
and M.P.No.1 of 2013

A.Rajendran

... Petitioner

Vs.

1.C.Chakravarthy

2.The Tahsildar, Thiruvannamalai.

3.The Revenue Divisional Officer,
Thiruvannamalai Divisional Office,
Thiruvannamalai.

4.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

... Respondents

Petition filed under Article 227 of the Constitution of India against the order dated 26.09.2013 made in I.A.No.69 of 2013 in O.S.No.313 of 2011 on the file of the Principal District Munsif Court, Tiruvannamalai.

For Petitioner : Mr.P.G.Thiyagu

For Respondents: Mr.A.K.Rajaraman for
Mr.R.Sathish Kumar (R1)

Mr.Dev Narendran,
Government Advocate (R2 to R4)

O R D E R

Challenging the fair and final order passed in I.A.No.69 of 2013 in O.S.No.313 of 2011 on the file of the Principal District Munsif Court, Tiruvannamalai, the 3rd party, who is the husband of the plaintiff and who is not a party to the suit, filed the application under Order 7 Rule 14 (2) of the Code of Civil Procedure to receive the documents filed along with petition, has filed the present Civil Revision Petition.

2. Admittedly, the suit was filed by one R. Alamelu for declaration and permanent injunction. The plaintiff rely upon an un-registered document dated 21.12.1992 alleged to have been executed in her favour by one Seethammal. The document was executed on a Rs.10/- stamp paper. The petitioner has not enclosed the affidavit, petition and the counter filed by the respondent in I.A.No.69 of 2013 in O.S.No.313 of 2011 in the typed set of papers.

3. On a reading of the fair order in I.A.No.69 of 2013, it could be seen that the application in I.A.No.69 of 2013 was filed by one Rajendran, who is a 3rd party to the proceedings, to receive the documents filed along with the petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner seeks to mark the un-registered document dated 21.12.1992 as an exhibit. The trial Court, taking into consideration the case of both parties, dismissed the application finding that the said document was executed by one Seethammal in favour of the plaintiff in respect of a poramboke land.

5. On a reading of the document dated 21.12.1992, it is clear that the land sought to be sold to the plaintiff is a poramboke land and no patta has been obtained by the parties in respect of the said land. Since it is a poramboke land, the plaintiff has made the official respondents 2 to 4 as defendants in the suit. When the document itself says that it is a poramboke land, the said land cannot be sold by any 3rd party. In the case on hand, the plaintiff rely upon the Sale Deed dated 21.12.1992 to establish her title over the property. Since the document was executed on a Rs.10/- stamp paper, the plaintiff filed a memo for impounding the document for payment of penalty and stamp duty. The memo filed by the plaintiff was objected by the 1st defendant. The trial Court, considering the case of both parties held that the document cannot be impounded for the reason that the land sought to be sold under the document was a poramboke land belonging to the Government. That apart, when the petitioner is not a party to the suit in O.S.No.313 of 2011, the trial Court should not have entertained the application at all. When the plaintiff has filed a memo for impounding the document, the necessity for filing an application seeking permission to produce the document by a 3rd party, though he is the husband of the plaintiff, is not maintainable.

6. The learned counsel on either side submitted that the plaintiff sought to mark two documents in I.A.No.69 of 2013 viz., 1) un-registered Sale Deed dated 21.12.1992, which has been discussed above and 2) the other document is a Sale Deed dated 10.03.2008 executed in favour of the 1st defendant, which is a registered document.

7.The learned counsel appearing for the 1st respondent submitted that so far as the Sale Deed executed in favour of the 1st respondent is concerned, the 1st respondent has no objection for producing the same.

8.As already stated, since the application has been filed by a 3rd party to the suit in O.S.No.313 of 2011 to produce the document, the same is not maintainable. In these circumstances, the order passed by the trial Court in I.A.No.69 of 2013 is just and proper. I do not find any ground to interfere with the order passed by the trial Court. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va

To

1.The Principal District Munsif Court,
Tiruvannamalai.

+1cc to Mr.P.G.Thiyagu, Advocate SR.93923

+1cc to Mr.R.Sathish Kumar, Advocate SR.93832

+1cc to the Government Pleader SR.93708

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and M.P.No.1 of 2013

NRL(CO)
CB(12/12/2019)

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