

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CRP (PD) No.2761 of 2019

P. Kannappan

Petitioner

Vs

1. Shankaranandham
2. S.Thirugnanasambandam
3. Boopathi
4. V.Selvi
5. P.Poongodi
6. Rudramoorthi

Respondents

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India seeking to number the O.P. in unnumbered O.P.SR.4457 of 2018 in respect of the I.A.No.583 of 2018 in O.S.No.45 of 2018 on the file of V Additional District Judge, Coimbatore.

For Petitioner : Ms.R.Lavanya

सत्यमेव जयते

ORDER

The petitioner filed a suit for partition in O.S.No.45 of 2018 before the District Court, Coimbatore. During the pendency of the suit, the respondents herein who are the third parties filed a petition to

implead themselves as necessary parties and through a genealogical chart, they claim themselves as one of the branches of the family and further claim that the plaintiffs or the defendants are not the owners of the item No.II of schedule mentioned property.

2. The plaintiffs filed a counter and also filed a petition under section 340 Cr.P.C., before the Tahsildar, Coimbatore, North and before the V Additional District Judge, Coimbatore. The V Additional District Judge, returned the above said petition questioning the maintainability. The petitioner represented the same on 9.11.2018 and it was again returned for non compliance of the return made by the Court.

3. The petitioner in the above petition seeks to conduct a detailed enquiry as envisaged under section 340 Cr.P.C, r/w.Section 195 (1)(b) i (iii) of Cr.P.C and record a finding to that effect and make a complaint in writing and forward it to the concerned Judicial Magistrate for criminal proceedings.

4. It is the contention of the petitioners that the proposed third

parties are producing forged documents and are attempting to protract the proceedings by making illegal claim. But as of today, it is not clear that whether the claim made by the proposed parties is genuine or false. The veracity of the documents can only be decided by letting in evidence during judicial proceedings

5. If it is found that the parties have attempted to produce false documents, thereby fabricating false evidence, in future, then, the Court will take appropriate action. Even before the commencement of the trial, it is not necessary to come to a conclusion that the other party is producing false documents and fabricating false evidence. If the court concerned comes to a conclusion that the parties have attempted to interfere in the administration of justice, either *suo motto* or on complaint, it will take appropriate action. Therefore, it is premature to state that the proposed parties have committed any offence.

6. If at all the petitioners can make out a case, they shall pursue their remedies before the concerned Court by rectifying the defects as well as clarifying the returns made in the petition. They shall not rush

to the court under Article 227 of Constitution of India without insisting the available remedy.

7. Therefore, I consider this Civil Revision Petition is pre mature one and unsustainable. Hence the Civil Revision Petition is dismissed. No costs.

8. The registry is directed to return the original petition enabling the petitioners to represent it before the trial court, for further proceedings, if it is advised.

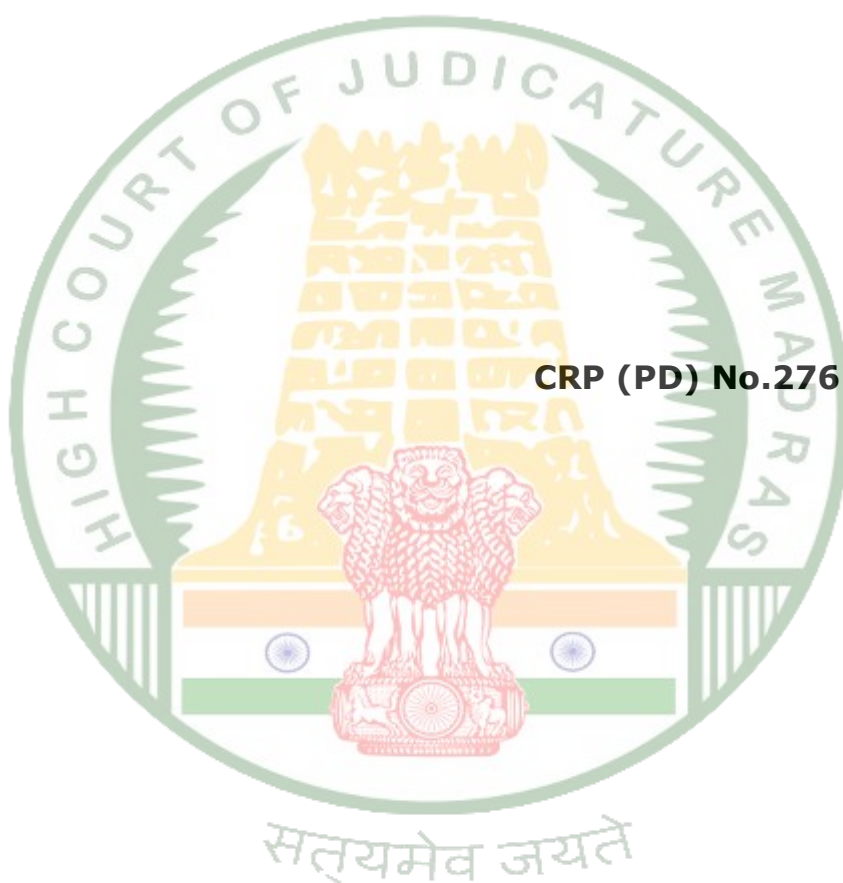
22.08.2019

msr
Index:Yes/No
Internet: Yes/No

To

The V Additional District Judge, Coimbatore.

M.GOVINDARAJ, J.



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