

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRP.(PD).No.3906 of 2019

and

C.M.P.No.25751 of 2019

1. P.R.Moorthy

2. Sowbagyavathi

... Petitioner

Versus

Corporation of Chennai
by its Zonal Officer,
Zone II, Manali, Chennai 600 068

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 30.08.2019 passed in I.A.No.1 of 2019 in O.S.No.162 of 2004 on the file of the District Munsif Court, Thiruvotriyur.

For petitioner : Mr. N.R.Anantha Rama Krishna

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ORDER

The Civil Revision Petition is taken up for final disposal at the Admission stage itself.

2. This Civil Revision Petition has been filed against the order of dismissing the petitioner's application filed under Order XVI Rule 7A CPC to summon the petitioner's purchaser as a witness and also to mark the sale deed in evidence.

3. According to the petitioners, they have filed a suit O.S.No.162 of 2004 on the file of the District Munsif Court, Thiruvotriyur, for permanent injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suit property. Pending suit, the petitioners filed an application in I.A.No.1 of 2019, to summon to one Sola Ram and Prema Bai, for producing their respective sale deeds and adduce evidence, stating that part of the land in the suit survey number has been sold in favour of them, so the petitioner wants to examine the purchasers and also to mark the original sale deed in evidence. The trial Court, by an order dated 30.08.2019, dismissed the application holding that if the petitioner wants to mark the sale deed, he can very well mark the certified copy of the sale deed and there is no necessity for him to summon the purchaser for giving evidence and mark the document. Challenging the same, the present revision has been filed.

4. A perusal of the materials shows that the suit property is a poromboke land and the petitioner is in occupation. Alleging that the

defendants are interfering with the petitioners' possession suit has been filed by the petitioners. If at all the petitioners want to mark the sale deed, they can very well mark the certified copy of the documents through their evidence and there is no necessity to examine the purchaser and mark the sale deed in evidence. The trial Court after considering the materials rightly dismissed the application. I find no irregularity or illegality in the order passed by the Court below. Hence, I find no merit in the Civil Revision Petition.

5. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

03.12.2019

Index : yes/no
Internet : yes/no
Speaking/Non-Speaking order
mrp

To

The District Munsif Court,
Thiruvotriyur.

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V.BHARATHIDASAN

mrp



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