



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 21.03.2019

CORAM :

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP (MD) No.581 of 2019 (PD)

and

C.M.P. (MD) No.2883 of 2019

Selvaraj

... Petitioner/Plaintiff

vs.

1.Laxmi

2.Jaipal

3.Chandiran

4.Vasantha

... Respondents/Defendants

PRAYER:- Civil Revision Petition filed the under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order dated 04.12.2018 made in I.A.No.813 of 2018 in O.S.No.29 of 2013 on the file of the learned Principal District Munsif, Aruppukottai, set aside the same and allow the Civil Revision Petition.

For Petitioner : Mr.A.Baskaran

ORDER

This Civil Revision Petition has been filed to set aside the order dated 04.12.2018 made in I.A.No.813 of 2018 in O.S.No.29 of 2013 on the file of the learned Principal District Munsif, Aruppukottai.

2.For the sake of convenience, the parties will be referred to as per their rank before the trial Court.

3.I.A.No.813 of 2018 was filed by the plaintiff. The plaintiff contended that the release deed document dated 07.05.1971 has been filed by the trial Court and the same was objected by the defendants. Since it is an unregistered document, the plaintiff contended that from the perusal of the contents of the said document, no right has been given in the said document. Even before the said document, an oral partition was effected and the contents of the said document was also stated by the plaintiff. Hence, the plaintiff pleaded that the said document is one of the memorandum of partition and it is only a confirmation document regarding the partition that was made earlier. Hence, the plaintiff sought for marking the said document though it is an unregistered document.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The defendants vehemently objected for marking the said



document by stating that it is only a confirmation memorandum of partition. The defendants contended that the genuineness of the said document has to be very much analyzed and hence, the said document, which is filed as unregistered document, cannot be marked before the trial Court.

5.The trial Court after considering the facts and circumstances of the case, has given a finding that originally the suit was filed for declaration and permanent injunction and the said document cannot be marked for the purpose of filing additional document for collateral purpose. When the suit filed for declaration and permanent injunction, the relief sought by the plaintiff to mark the unregistered document only for collateral purpose, cannot be granted by the Court below and hence, the trial Court dismissed the I.A.No.813 of 2018. Aggrieved by the said order, the plaintiff has preferred the present Civil Revision Petition.

6.The plaintiff contended that even before filing the said document, the oral partition was effected and it has been accepted as such.

7.On perusal of records, it is observed that the suit in O.S.No.29 of 2013 filed by the plaintiff for the relief of declaration and permanent injunction and the suit property belongs to the plaintiff and his brothers namely, A.Ramachandran and A.Venkadasamy and they are the joint owners of the said property. Hence, the said document cannot be considered for filing collateral purpose.

8.In view of the above, the order dated 04.12.2018 made in I.A.No.813 of 2018 in O.S.No.29 of 2013 on the file of the learned Principal District Munsif, Aruppukottai, is very much reasonable and there is no merit in this Civil Revision Petition and the same is dismissed. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To
The Principal District Munsif,
Aruppukottai.

CRP(MD) No.581 of 2019

MM

KK/SAR/22.04.2019/ 2P- 2C