



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

WEB COPY

C.R.P. (MD) (NPD).No.530 of 2019

Kaliamma

:Petitioner

Vs.

1.Suseela

2.Ayyana Pillai

3.Sastharu Pillai

:Respondents

Prayer: The Civil Revision Petition has been filed under Article 227 of Civil Procedure Code against the return order dated 30.01.2019 passed in C.N.R.No.TNKK1500003220 of 2019 on the file of the Subordinate Judge, Eraniel.

For Petitioner

: Mr.V.M.Bala Mohan Thampi

ORDER

This Civil Revision Petition has been preferred by the petitioner against the return order dated 30.01.2019 passed in C.N.R.No.TNKK1500003220 of 2019 on the file of the Subordinate Judge, Eraniel.

2.The suit has been filed by the petitioner for declaration of title and possession and consequential relief of injunction. The petitioner herein contended that the suit property is having an area of 6 cents in a portion of old Survey No.8315/4-73 of Thalakulam Village which is also a portion of resurvey No.479/8 of the Thalakulam Village. The said property is ancestral property of the petitioner's father late Kumaraswamy Pillai, son of Ayyana Pillai. The said property came to her by ancestrally including the suit property under vide partition deed No.1579 of 1977 dated 07.06.1977 of Eraniel Sub Registrar Office. In the said partition deed, the petitioner's father namely, late Kumaraswamy Pillai was Party No.1, the petitioner herein is party No.2 and her mother late Ramalakshmi was party No.3 who was made a party in the partition deed as the guardian of their then minor daughter namely Padma Kala. In the said partition deed, the petitioner herein is allotted with 'A' schedule properties. Hence, the petitioner stated that she got A schedule properties by way of the said partition deed. In the said partition deed, the resurvey number of the property is wrongly given as 479/24 instead of 479/8, while the old survey number is correctly given as 8315/4-73 and the boundaries are correctly given as the eastern side is bounded by the property of Pichapillai son of Ayyana Pillai, southern side is bounded by the property of Velayudhan Pillai son of Raman Pillai and the norther and western side are bounded by "Edavazhi", public pathway. Further, the petitioner contended that



she is the legal title holder of the suit property and is in possession and enjoyment of the suit property by paying land tax and house tax in her name and in her father's name respectively. The plaintiff and her husband are also residing in Chennai. The petitioner was not able to get patta for the suit property in her name. Further, the plaintiff stated that the defendants have no right in the suit property and they have right only in the old Survey No.8315/4-72 which covers resurvey No.479/9, 479/10 and 479/11 of Thalakulam Village. Hence, the petitioner herein sought for relief of injunction against the defendants or their agent be restrained by an order of injunction from interfering in any manner with the peaceful possession and enjoyment of the suit property. The grievance of the petitioner is that with regard to furnishing of tax receipts which are standing in the name of the petitioner whereas the petitioner herein has not represented the plaint with the required documents as stated in the plaint and therefore, a petition has been filed.

3.On perusal of the plaint, it is observed that by way of partition deed, the petitioner herein has got the property even in the year 1977. When the Court requires the documents which are very much essentially to prove the claim made by the petitioner for the relief of declaration of title to the said property, it is very much essential for her to furnish necessary documents. It is for the petitioner to comply with the return by way of filing necessary documents which are available with her to prove her title.

4.Hence there is no irregularity or infirmity in the notice ordered passed by the Court. The civil revision petition is dismissed giving liberty to the petitioner to file necessary documents as required by the Trial Court. No costs.

Sd/-

Assistant Registrar (WRIT)

// True Copy //

Sub Assistant Registrar(CS-)

To
The Subordinate Judge, Eraniel.

COPY TO:

The Section Officer, E.R Section,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to Mr.V.M.Bala Mohan Thampi Advocate SR.No.59154

Order Made in
C.R.P. (MD) (NPD).No.530 of 2019