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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2019

CORAM :

THE HONOURABLE MRS.JUSTICE **S.RAMATHILAGAM**

CRP(MD) Nos.2825 and 2826 of 2018

and

C.M.P. (MD) No.12263 of 2018

1.Mariyayee

2.Vijaya

3.Muthuraman

... Petitioners in both C.R.Ps., /Respondents 2 to 4/
Defendants 2 to 4

vs.

1.Uma Maheswari

...1st Respondent/Petitioner/Plaintiff in
both CRP's

2.Sutha

3.Kesavan

...Respondents 2&3/Respondents 5&6/
Defendants 5&6 in both CRP's

4.Vijaya

5.Senthil

6.Muthulakshmi

7.Piragathambal

8.Gowsalya

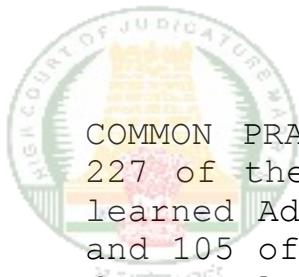
9.Balasubramanian

10.Malathi

11.Pirabhaharan

12.Pirasath

... Respondents 4 to 12 in both C.R.Ps.,
/Respondents 7 to 15/Defendants
7 to 15 in both CRP's



COMMON PRAYER:- Civil Revision Petitions filed the under Article 227 of the Constitution of India, to call for the records of the learned Additional District Judge, Pudukkottai made in I.A.Nos.104 and 105 of 2017 in O.S.No.14 of 2010 and to set aside the fair and decreetal order dated 29.11.2017.

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For Petitioners
in both C.R.Ps., : Mr.D.Rameshkumar

For R1
in both C.R.Ps., : Mr.Karthikeya Venkatachalapathy

For R2, R3 & R10
in both C.R.Ps., : No appearance

For R4 to R9
in both C.R.Ps., : Mr.R.Gopalakrishnan

COMMON ORDER

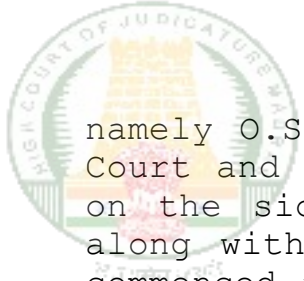
These Civil Revision Petitions have been filed to set aside the order dated 29.11.2017 passed in I.A.Nos.104 and 105 of 2017 in O.S.No.14 of 2010 by the learned Additional District Judge, Dindigul.

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

3.I.A.Nos.104 and 105 of 2017 were filed by the plaintiff in the suit in O.S.No.14 of 2010 to produce the 'Bagha Muchalika' for enabling the plaintiff to prove the relevancy of the document. In the said applications, the plaintiff has contended that the sale agreement was entered with regard to the suit property belonged to the first defendant namely, Karuppaiah Konar and his brother namely, Kittu Konar, in T.S.No.6130 and hence, the plaintiff has filed a suit for specific performance.

4.The plaintiff has contended that on 03.09.1995, due to some dispute, a panchayat was held between the said Karuppaiah Konar and his brother namely, Kittu Konar and Muruga Konar. In the said panchayat, the property in T.S.No.6130 was allotted to the first defendant and his brother, Kittu Konar through a 'Bagha Muchalika' and the said document was also produced before the Court below. The said document placed by the third defendant was a Xerox copy of 'Bagha Muchalika' and hence, to reopen the case for placing the original document of said 'Bagha Muchalika' before the trial Court, the above said I.As have been filed by the plaintiff in O.S.No. 4 of 2011.

5.After observing the contention raised on either side, the trial Court has passed an order stating that though both suits



namely O.S.Nos.14 of 2010 and 4 of 2011 pending before the trial Court and to be tried jointly and the proposed document was filed on the side of D1, namely Karuppaiah Konar in O.S.No.4 of 2011 along with his written statement, in which so far trial has not commenced and hence, the trial Court allowed the said applications to produce the original 'Bagha Muchalika' for enabling the plaintiff to prove the relevancy of the document. Aggrieved by the said order, the defendants 2 to 4 filed the present Civil Revision Petitions.

6.In the grounds the defendants 2 to 4 contended that without any valid reason, the trial Court allowed the said applications and hence, the order of allowing the said applications is liable to be set aside. Hence, the defendants 2 to 4 sought calling for the records of the trial Court to set aside the order dated 29.11.2017.

7.Heard the learned counsel on either side.

8.The objection raised by the defendants 2 to 4 is that the said document is an unregistered document and hence, the genuineness of the said document is also very much disputed by the defendants 2 to 4.

9.On the other hand, the plaintiff contended the the original copy of said 'Bagha Muchalika' was filed in the another suit in O.S.No.4 of 2011 and the Xerox copy of said 'Bagha Muchalika' was also filed in the suit in O.S.No.14 of 2010 and the same was admitted by the defendants 2 to 4/the petitioners herein and hence, there is no purpose as stated by the defendants 2 to 4 regarding the admissibility of the said document.

10.On perusal of records, it is observed that the said document was placed before the defendants and regarding the said document one defendant namely, Senthil, has also admitted the said document. It is also brought to the notice of this Court already a Civil Revision Petition was filed by the plaintiff for early disposal of the case and in the said CRP., on 29.11.2018, a direction was given by this Court to dispose of the case within a period of six months, since the defendants 2 to 4 have delayed the proceedings of the case.

11.In view of the above, this Court finds that the defendants 2 to 4 have no valid reason or merit to set aside the order dated 29.11.2017 and only for the purpose of delaying the proceedings, the present Civil Revision Petitions have been filed and hence, the order dated 29.11.2017 passed in I.A.Nos.104 and 105 of 2017 in O.S.No.14 of 2010 by the learned Additional District Judge, Dindigul, does not require any interference of this Court and the same is confirmed.



12. Accordingly, these Civil Revision Petitions are dismissed with cost of Rs.500/-. The defendants 2 to 4/the petitioners herein are directed to pay a sum of Rs.500/- to the credit of Chief Justice Relief Fund within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

The Additional District Judge,
Dindigul.

Copy to

The Section officer,
Accounts Section, Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-54691[F] dated 18/03/2019)

+1 CC to M/s.M.KARTHIKEYAVENKITACHALAPATHY, Advocate (SR-54532[F] dated 15/03/2019)

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