

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD) No.2694 of 2013

and

M.P.No.1 of 2013

P.Perumal

...Petitioner

..Vs..

- 1.Smt.Shyiamala
- 2.The Sub-Registrar,
Sub Registrar office,
Jolarpet,
Vellore District.
- 3.The Chief Manager,
State Bank of India,
Tirupattur,
Vellore District.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the proceedings in Dis.No.1221/2013 in O.S.No.69 of 2010 on the file of the Subordinate Judge, Thiruppathur, Vellore District dated 11.07.2013.

For Petitioner :Mr.G.Jeremiah

For R1&R3 : No appearance

For R2 : Mr.S.Jaganathan,
Government Advocate.

ORDER

None appeared for the respondents 1&3.

2. The plaintiff in the suit is the Revision Petitioner herein.

3. The petitioner/plaintiff filed O.S.No.69 of 2010 before the Sub-Court, Tirupattur (Formerly O.S.No.10 of 2009, Principal District Court, Vellore) seeking specific performance of the unregistered original sale agreement, dated 13.03.2008 and the case has been transferred to Sub-Court, Tirupattur District. Written statement is filed by the defendants.

4. When the matter was posted for trial, the District Crime Branch, Sub Inspector of Police filed a petition on behalf of the complainant/State under Section 91 of Cr.P.C before the learned Judicial Magistrate, Tirupattur for production of the unregistered original sale agreement dated 13.03.2008 which was the subject matter of the suit pending before the Sub-Court, Tirupattur.

5. The learned Sub-Judge, Tiruppathur issued notice to the parties who have objection. Challenging the same, the plaintiff has filed this Civil Revision Petition alleging that it is yet another method to stall the proceedings.

6. On perusal of affidavit before the Trial Court, the Sub-Inspector of Police, District Crime Branch, Vellore has filed the petition before the learned Judicial Magistrate No.I, Tiruppathur. It discloses that there was a complaint at the instance of the Shyamala-the original owner of the land who had disputed the sale agreement which has to be compared with her sample signature and also with the admitted signature found place in her son's educational loan agreement of the State Bank of India, Tirupattur Branch by a document expert. Since it was a petition under Section 91 Cr.P.C petition, the learned Magistrate ordered production of the document viz., suit sale agreement in O.S.10/2009, pending before the Court.

7. Admittedly, since the trial was not commenced, the document is yet to be marked. So long as proceedings are pending unmarked document, the same cannot be called for under Section 91 of Cr.P.C. If at all they can seek for certified copy of the xerox copy of the document, since the document was yet to be marked through the appropriate witnesses.

8. In this view of the matter, this Civil Revision Petition is allowed, with observation that certified xerox copy of the said unregistered original sale deed may be forwarded from the Sub-Court of Tiruppathur in compliance of the order passed by the Judicial Magistrate No.I, Tirupatthur in connection the above said crime No.68/10 on the file of the District Crime Branch, Vellore. However, the original unregistered sale agreement, namely the said said sale agreement shall not be given to the parties, unless it is being marked and the Trial Court is directed to dispose of the suit within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected M.P is closed.

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Index:Yes/No

Speaking Order:Yes/No

To

The Subordinate Judge, Thiruppathur, Vellore District

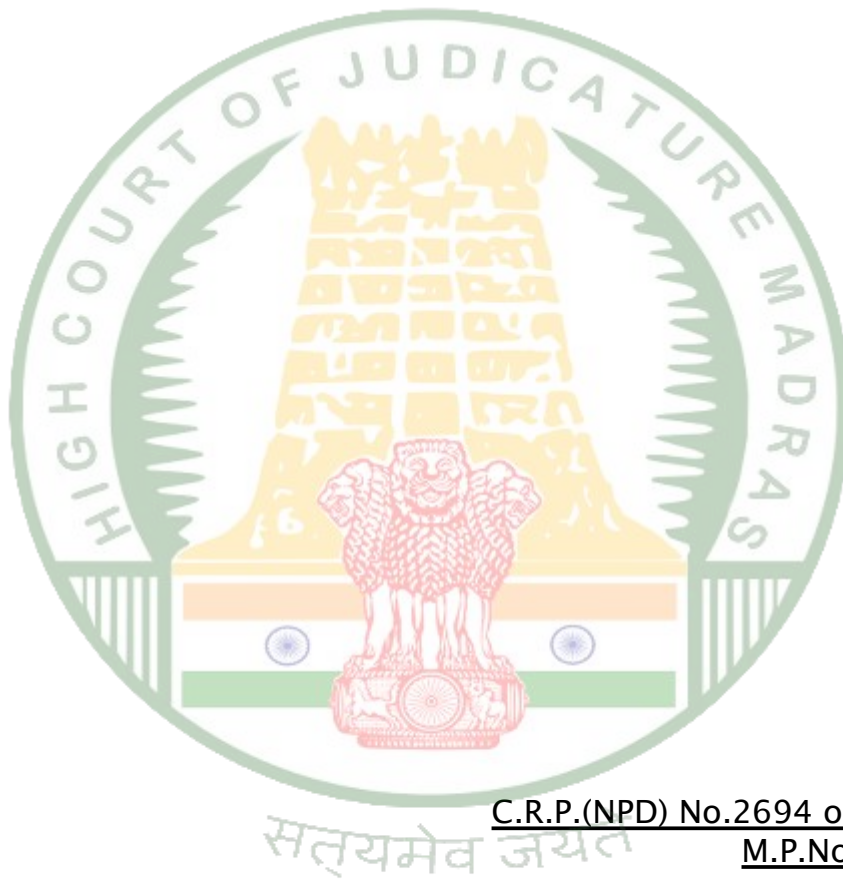


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RMT.TEEKAA RAMAN,J.,

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