

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

C.R.P.(PD) No. 3926 of 2017
and CMP.No.18330 of 2017

Mrs.Roja Subramanian

... Petitioner

vs.

1. Mr.Pichaipillai
2. Perumal Naicker
3.Chinnu Gounder
4. Solai Gounder

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the Fair and Decretal Order dated 10.07.2017 passed in I.A.No.1342 of 2016 in O.S.No.66 of 2002 on the file of the learned District Munsif at Perambalur.

For Petitioner

: Mr.G.Ilamurugu

ORDER

The present Civil Revision Petition has been filed by the petitioner, challenging the fair and decretal order dated 10.07.2017 made in I.A.No.1342/2016 in O.S.No.66/2002, dismissing the application filed to call for the documents relating to the registered sale deed dated 26.04.1951 (Doc. No.445/1951) from the Sub Registrar Office, Cettikulam for comparison of the thumb impression of the petitioner's father.

2. The learned counsel for the petitioner would submit that the petitioner's father one Sellappan @ Sellappa Gounder was in Burma till 1959 and there is no possibility for executing a deed in the year 1951 and the trial Court erred in dismissing the application filed to call for the documents relating to the registered sale deed dated 26.04.1951 on the ground that in the proceedings in I.A.988/2003, the forensic expert has given a report stating that the thumb impression of the plaintiff's father found both in the Court document and in the registered sale deed dated 26.04.1951 are one and the same. The Trial Court further held that the application has been filed belatedly.

3. Heard both sides and perused the material documents available on record.

4. The Trial Court, after considering the evidence adduced before it, has rightly dismissed the interlocutory application filed to call for the documents relating to the registered sale deed dated 26.04.1951 (Doc.No.445/1951) from the Sub Registrar's Office, Chettikulam.

5. Considering the submissions made by the learned counsel for the petitioner and also on perusal of the materials available, this Court feels that there is no infirmity or illegality in the order passed by the Trial Court. In view of the same, in the considered opinion of this Court, the Civil Revision

Petition is liable to be dismissed.

6. Accordingly, the Civil Revision Petition is dismissed. It is made clear that since the suit is of the year 2002, the Trial Court is directed to take up the Suit and proceed with the same on a day-to-day basis without adjourning the same beyond five working days at any point of time. It is further made clear that in case either of the parties seeks unnecessary adjournment before the Trial Court except on the ground of accident or death, a cost of Rs.5,000/- shall be imposed on the party seeking adjournment for each and every hearing. In case of accident or death, relevant certificate has to be produced in proof thereof and if the Court feels that the certificate issued by the Doctor is a bogus one, the Doctor, who issued the certificate shall be examined to ascertain the genuineness of the certificate and the Trial Court is also at liberty to lodge a complaint against the Doctor, if it is proved to be bogus. It is clarified that the purpose of imposition of costs will not only ensure avoidance of unnecessary adjournment, but also quick disposal of the matter so as to render justice at the earliest point of time. No costs. Consequently, connected Miscellaneous Petition is closed.

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12.03.2020

Index: Yes / No
Internet: Yes / No
arr/ar

To:

The District Munsif,

<http://www.judis.nic.in>

Perambalur.

S.VAIDYANATHAN, J
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