

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM: THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

CRP.No.4215 of 2018

1.R.Selvaraj
2.S.Vaitheeswaran
3.S.Balaji

... Petitioners / Plaintiffs / Petitioners

Vs.

1.M.Balamani
2.P.Shanmugam
3.P.Sivasubramaniam

... Respondents / Defendants / Respondents

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the fair and decreetal order dated 06.10.2018 in I.A.No.1778 of 2017 in O.S.No.78 of 2015 on the file of the II Additional District-cum-Sessions Court, Tiruppur District and allow the Civil Revision Petition.

For Petitioners : Ms.D.Chitra Maragatham

ORDER

The plaintiffs in O.S.No.78/2015, whose application in I.A.No.1778/2017 filed for summoning the Municipal Commissioner of Tiruppur, as a witness in the above suit for partition, was dismissed, and hence, has come up with this revision.

2. The suit is one for partition. The plaintiffs claim that they are entitled to 1/4th share as coparceners in the suit schedule properties, which according to them are the joint family properties. The suit is being resisted on the strength of several settlement deeds said to have been executed by the predecessor in interest of the plaintiffs.

3. According to the defendants/respondents the plaintiffs have launched this application in I.A.No.1778 of 2017, only with a view to drag on the proceedings.

4. It is needless to say that this application is an illustration of abuse of process of Court. The application in I.A.No.1778 of 2017 was filed by the plaintiffs for summoning the Commissioner of Tiruppur Municipal Corporation to depose as a witness on that the ground that he has active part in mutation of the records of the Corporation, said to have been effected pending suit. The law is settled that any mutation of revenue records or property records by the Municipal Corporation, pending suit, will be subject to the result of the suit. I am unable to fathom what evidence could the Commissioner tender in favour of the plaintiffs or against the defendants in a suit for partition.

5. I agree with the submission of the respondents/defendants that this application is only an attempt to delay the trial by the plaintiffs, who have launched a speculative litigation. Hence, this Civil Revision Petition dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1.The II Additional District-cum-Sessions Judge
Tiruppur District.

CRP. No.4215 of 2018

CP(CO)
CB(12/10/2020)

सत्यमेव जयते

WEB COPY