



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2020

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

C.R.P. (MD) .No.597 of 2019(PD)

and

C.M.P. (MD) .No.3003 of 2019

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1.Kumar
2.Muthu
3.Pandiammal

... Petitioners/Petitioners/Defendants

Vs

1.Shahjahan
2.Rahumathnisha

... Respondents/Petitioners/Plaintiffs

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 25.10.2018 passed in I.A.No.205 of 2017 in O.S.No.34 of 2014 on the file of the learned District Munsif cum Judicial Magistrate, Rameswaram.

For Petitioners : Mr.R.Senthil Kumar
For Respondents : Mr.A.Arumugam

O R D E R

This Civil Revision Petition is filed against the order of the learned District Munsif cum Judicial Magistrate, Rameswaram, in I.A.No.205 of 2017 in O.S.No.34 of 2014, dated 25.10.2018.

2.The revision petitioners are the defendants in the suit in O.S.No.34 of 2014. The said suit was filed by the respondents for recovery of possession upon receipt of Rs.80,000/- from the defendants. During the pendency of the suit, the respondents filed I.A.No.205 of 2017 for the receipt of agreement dated 25.01.2010 between the petitioners and the respondents, as a document on their side, under Order XIII Rule 4, r/w. Section 151 of C.P.C. The said petition was allowed by the lower Court and hence, the petitioners/defendants being aggrieved by the order, has preferred the present Civil Revision Petition.

3.The learned counsel appearing for the petitioners submitted that the document which was sought to be marked/produced by the respondents is un-stamped and therefore, the same is inadmissible in evidence. He further submitted that the document is a forged one and hence, the same ought not have been accepted. This Court considered the document as such.

4.It is an agreement where payment of Rs.80,000/- by the petitioners/defendants in favour of the plaintiffs is acknowledged. In this agreement, the petitioners/defendants have agreed to vacate the premises upon the receipt of Rs.80,000/-. The



document does not create any right or extinguish any right in immovable property. It is stated that the agreement contains the signature of the defendants. The plaintiffs should be given a fair opportunity to prove their case and this Court does not find any error or illegality in the order of the lower Court.

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5.However, the learned counsel appearing for the revision petitioners disputed the genuineness of the document. It is open to the revision petitioners to file their objections and raise their defence as to the credibility and genuineness or proof of documents at the time of trial.

6.Reserving such liberty to the revision petitioner, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purpose, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Munsif cum
Judicial Magistrate,
Rameswaram.

+1 CC to Mr.R. SENTHILKUMAR, Advocate (SR-16560[F] dated 10/09/2020)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-16534[F] dated 10/09/2020)

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SRK(CO)

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