

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(PD) No.1216 of 2018 and
CMP.No.7028 of 2018

Suseela

...

Petitioner

Vs

1.N.Prakash

2.P.Krithika

3.Ganapathy Gounder

4.Gurumani

5.Velmani

...

Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order of the learned District Munsif, Suler passed in IA.No.355 of 2017 in OS.No.856 of 2017 dated 14.12.2017.

For Petitioner : Mr.I.Abrar Md Abdullah

For Respondents

For R1, 2 & 5 : Mr.A.E.Ravichandran

ORDER

This Civil Revision Petition is filed against the fair and decretal order of the learned District Munsif, Suler passed in IA.No.355 of 2017 in

OS.No.856 of 2017 dated 14.12.2017, thereby dismissing the petition filed to initiate contempt proceedings as against the respondents.

2. The petitioner is the fourth defendant in the suit filed by the respondents 1 and 2 herein for bare injunction on the strength of the agreement for sale dated 01.09.2012. While pending suit, the petitioner filed petition to initiate criminal contempt under Section 2 (c) of the Contempt of Courts Act, 1971 for the reason that the respondents have interfered with the administration of Justice of the trial court for having purchased the created, forged suit sale agreement before the court.

3. On perusal of the affidavit filed in support of the contempt petition, revealed that the agreement dated 01.09.2012 produced by the respondents 1 and 2 herein is created in fifty rupees old stamp paper purchased in the name of P.Krithika from Mr.K.M.Prathaban vide reference No.36080/68 vide serial No.986 on 29.06.2012. The petitioner obtained information under the Right to Information Act and furnished the photocopy of the extract of the register maintained by the stamp vendor. It was not mentioning the name of the purchaser of the stamp paper and the signature

of the purchaser was also not obtained by the stamp vendor. It also revealed that the stamp vendor sold out twenty rupees stamp paper with identification serial No.748107 vide serial No.985. Therefore, the left out stamp paper was purchased by the respondents and created the alleged agreement for sale. According to the respondents 1 and 2 herein, the third respondent herein executed agreement for sale dated 01.09.2012 in respect of the suit property. On the strength of the agreement for sale dated 01.09.2012, the present suit has been laid by the respondents 1 and 2 herein. Whereas the case of the petitioner is that the suit property which was already settled in her favour by the settlement deed dated 30.09.2008. Therefore, the respondents 1 and 2 along with other respondents colluded together and fabricated the alleged agreement for sale dated 01.09.2012 and filed the present suit. Even according to the petitioner herein, the third respondent herein never raise objection that the agreement for sale dated 01.09.2012 is fabricated one. That apart, admittedly the agreement for sale dated 01.09.2012 was filed along with the plaint. No fabrication or forgery committed while agreement for sale dated 01.09.2012 was under custody of the court. Therefore, there is no contempt made out as against the respondents herein.

4. The learned counsel for the petitioner submitted that Section 2 (c) of the Contempt of Courts Act applies to the case on hand and if any criminal contempt is made out, the court below can refer to the High Court on a motion made by the Advocate General.

5. As stated supra, no contempt is made out and if at all any grievance over the agreement for sale dated 01.09.2012, the petitioner can very well approach the court below to nullify the said document in the manner known to law. Therefore, this Court finds no infirmity or illegality in the order passed by the court below.

6. Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

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Index:Yes/No

Internet:Yes/No

Speaking Order: Yes/No

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G.K.ILANTHIRAIYAN,J.

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To

The District Munsif,
Sulur

C.R.P.(PD) No.1216 of 2018

23.07.2021