

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2021

CORAM

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

CRP.PD.No.1452 of 2018
and CMP.No.7747 of 2018

Rangasamy

..Petitioner

Vs.

1.Jamunarani
2.Nagarajan

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order dated 29.01.2018 passed in IA.No.1526 of 2017 in OS.No.4497 of 2004 on the file of II Additional District Munsif Court, Coimbatore.

For Petitioner : Mr.Raja
for Mr.J.Pothiraj

For Respondents
For R1 : Mr.R.Govindaraj

ORDER

This civil revision petition is filed against the fair and final order dated 29.01.2018 passed in IA.No.1526 of 2017 in

OS.No.4497 of 2004 on the file of II Additional District Munsif Court, Coimbatore, thereby dismissing the petition filed to produce the documents.

2. The petitioner is the plaintiff and the respondents are the defendants. The petitioner filed suit for declaration declaring that the petitioner is the absolute owner of the property as per the sale deed dated 11.12.1995 vide document No.5440 of 1995 and also for injunction. Further prayed for declaration declaring that the decree obtained in OS.No.1318 of 1994 on the file of the Sub Court, Coimbatore and the exparte order in the execution proceedings in EP.No.100 of 2002 on the file of the II Additional Sub Court, Coimbatore are null and void. The first defendant filed written statement stating that the first respondent entered into agreement for sale with the second respondent to purchase the property in question in the year 1992 and paid a sum of Rs.21,000/- as an advance. Thereafter, the second defendant failed to execute the sale deed within the stipulated time as such the first defendant filed suit for specific performance in OS.No.1318 of 1994 and the same was decreed on 18.04.1995. In pursuant to the decree, sale deed was executed in favour of the first respondent herein. Thereafter, the first respondent also filed execution petition in

EP.No.372 of 2004 for delivery of possession. Thereafter, the second respondent herein set up the petitioner and filed vexatious suits to nullify the sale deed executed in favour of the first defendant. Further stated that as against the execution order, the petitioner also filed CMA.No.38 of 2009 on the file of the District Judge, Coimbatore. Even then, the petitioner suppressed the entire facts and filed the present suit and as such the suit itself is not maintainable and liable to be dismissed.

3. At that juncture, the petitioner filed the present petition to direct the defendants to produce the following documents.

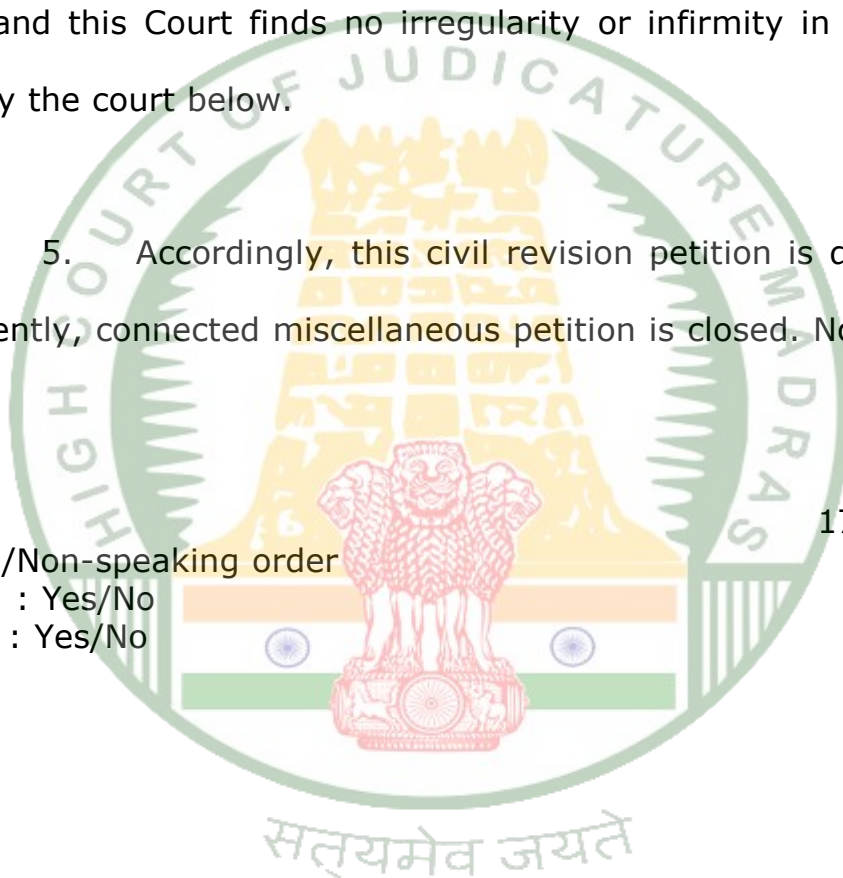
- (i) 07.01.1993 - sale agreement between the defendants
- (ii) 18.04.1995 - Copy of sale deed executed in favour of Mrs.Jamunarani by the Sub Court, Coimbatore
- (iii) 30.08.2006 - Possession receipt issued to Mrs.Jamunarani
- (iv) 1993 - Copy of letter of submissions for permission to enter into sale agreement submitted by Jamunarani to Chief Judicial Magistrate, Coimbatore
- (v) 08.06.2016 - Copy of complaint submitted to the Bar Counsel of Tamil Nadu by Jamunarani

4. Since the documents sought for by the petitioner are pertaining to earlier suit filed by the first defendant, if at all the petitioner relies upon those documents, he can very well apply for certified copies. Therefore, the court below rightly dismissed the petition and this Court finds no irregularity or infirmity in the order passed by the court below.

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

17.04.2021

Speaking/Non-speaking order
Index : Yes/No
Internet : Yes/No
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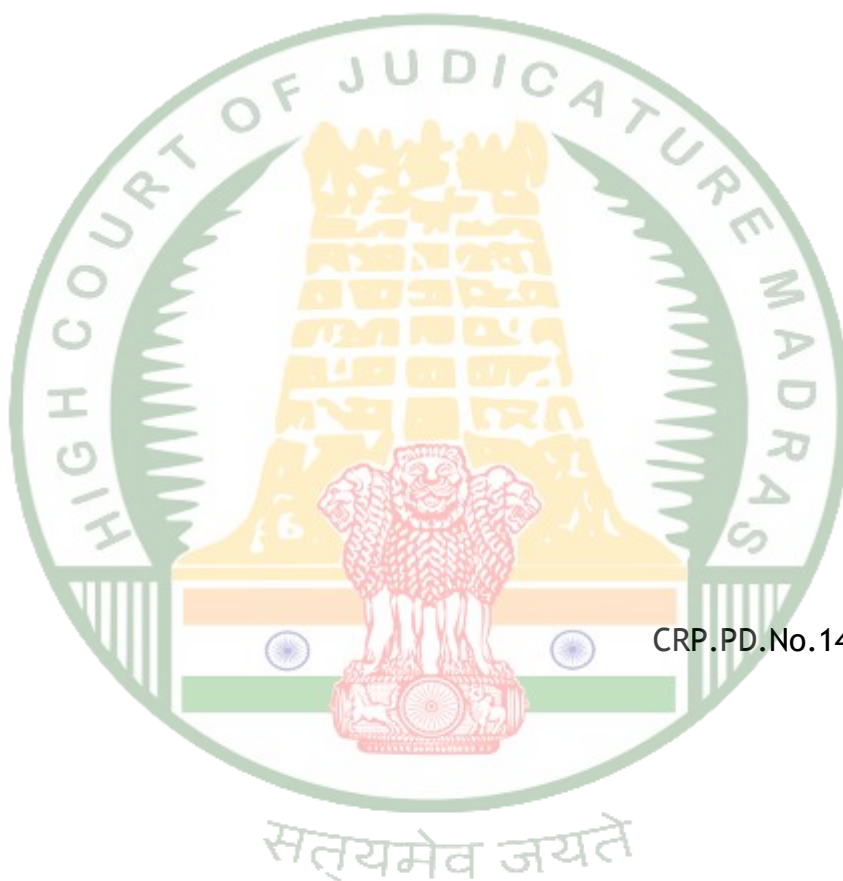
The II Additional District Munsif Court,
Coimbatore.



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G.K.ILANTHIRAIYAN,J.

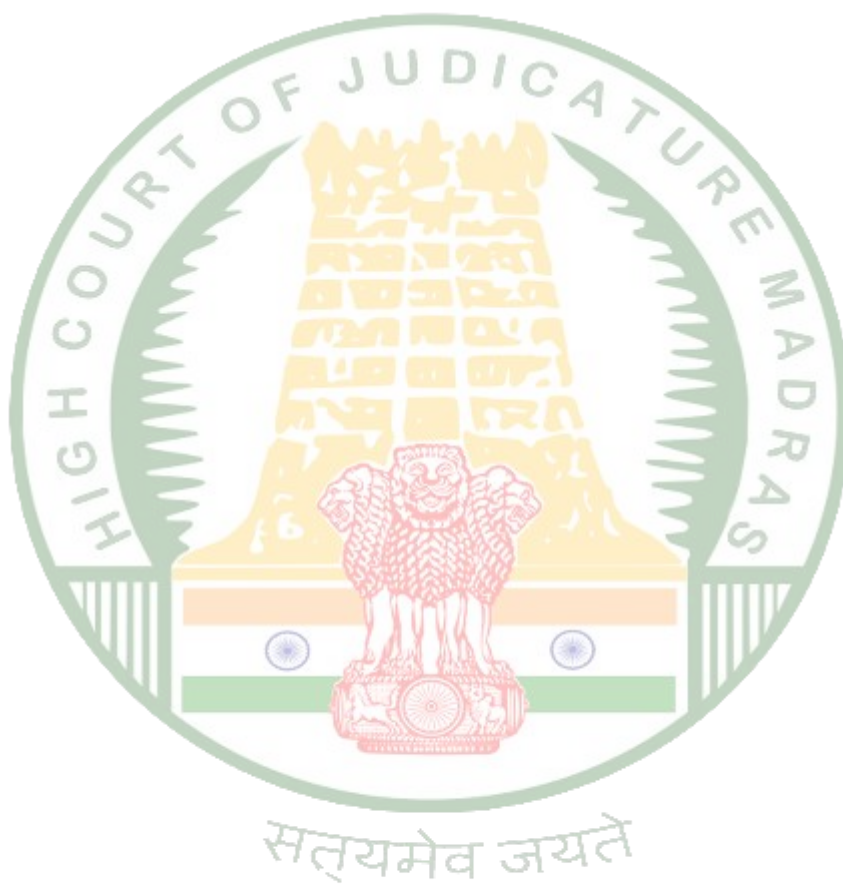
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