



CRP.PD.Nos.872 & 876/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRP.PD.Nos.872 & 876/2019 & CMP.Nos.5689 & 5695/2019

[Video Conferencing]

Revathi

.. Petitioner in
both Petitions

Vs.

1.Duraisamy
2.Panneerselvam

.. Respondents
in both petitions

Common Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India against the fair and decreetal order passed in IA.Nos.675 and 676/2018 in OS.No.140/2008 dated 04.01.2019 by the learned District Munsif at Paramathi, Namakkal District.

For Petitioner in
both Petitions

: Mr.M.Marimuthu



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COMMON ORDER

- (1) Since the issue involved in the above Civil Revision Petitions and the parties to the litigation are one and the same, both the Civil Revision Petitions are taken up together and are disposed of by this common order.
- (2) The present Civil Revision Petitions are filed by the plaintiff in OS.No.140/2008 on the file of the learned District Munsif at Paramathi, Namakkal District.
- (3) Brief facts that are necessary for disposal of these petitions are as follows:
- (4) The Revision Petitioner/plaintiff filed a suit in OS.No.140/2008 for a declaration that the Settlement Deed dated 23.09.2008 executed by the 1st defendant in favour of the 2nd defendant is invalid and also for permanent injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit property.
- (5) It is admitted that trial commenced after framing of issues and the matter was posted for arguments. At the instance of the revision petitioner/plaintiff, the matter was adjourned on several occasions at



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the stage of arguments. Thereafter, the revision petitioner/plaintiff filed two Interlocutory Applications in IA.Nos.675 and 676/2018.

- (6) IA.No.675/2018 was filed to reopen the case for the purpose of marking an unregistered document which was referred to as "Karar Deed". In the affidavit filed in support of the said application, it is stated by the revision petitioner/plaintiff that the said unregistered document is the parent document under which the revision petitioner/plaintiff claimed right. Reopening of the case was only to mark the said unregistered document.
- (7) The 2nd application in IA.No.676/2018 was filed for marking the unregistered "Karar Deed" as Ex.A11.
- (8) Both the applications were contested by the respondents/defendants mainly on the ground that the trial has been prolonged for a long period at the instance of the revision petitioner/plaintiff and that the said applications are filed only to drag on the proceedings. Pointing out that the document which is sought to be marked is an unregistered documents, which requires registration under Section 17 of the Registration Act, the respondents/defendants contended



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that the document itself cannot be permitted to be marked. It is further contended that since the applications were filed at the time of arguments, serious prejudice would be caused to the respondents/defendants in case if the applications are allowed.

- (9) The Trial Court, after considering the facts and circumstances of the case and the long delay in filing the applications, i.e., nearly after eight years, doubted the *bona fides* of the Interlocutory Applications and dismissed the same mainly on the ground that an unregistered document cannot be relied upon to establish the title of the revision petitioner/plaintiff. Since the said Interlocutory Applications were filed after several adjournments on behalf of the revision petitioner/plaintiff for arguing the case on merits, the Trial Court held that there was no *bona fides* in the applications.
- (10) The respondents / defendants also raised one other objection for marking the document, namely, that the revision petitioner/plaintiff had earlier filed IA.No.1039/2013 for marking the very same document. Thereafter, it was found that the said document itself is not admissible. Since the admissibility of the document had been



decided by the Court earlier, it was contended by the respondents/defendants before the Trial Court that the applications are liable to be dismissed.

- (11) Neither the affidavit and petition copy in IA.No.1039/2013 nor the order passed by the Trial Court in the said Interlocutory Application are produced before this Court. However, this Court is able to see that the revision petitioner/plaintiff seeks to file an unregistered document only to establish his right over the property. It is the specific case of the revision petitioner/plaintiff in the suit that the suit property is the ancestral property of the revision petitioner/plaintiff based on this unregistered document dated 22.03.1948. When the revision petitioner/plaintiff relies upon an unregistered document to establish his title to the property, the purpose for which it is relied upon, is not for collateral purpose ; but to prove the transaction on the basis of which the revision petitioner/plaintiff tries to establish her title. This Court is unable to agree with the revision petitioner/plaintiff that the unregistered document can be looked into for collateral purpose. Having regard



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to the *bona fides* of the revision petitioner/plaintiff, this Court agrees with the Trial Court that the revision petitioner/plaintiff has filed the Interlocutory Applications after successfully getting adjournments on several occasions, though the matter was posted for arguments by the Trial Court.

- (12) Under such circumstances, this Court is unable to find any error or irregularity in the order passed by the Trial Court in the said Applications.
- (13) In the result, the Civil Revision Petitions stand **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed.

16.11.2021

AP
Internet : Yes

To

District Munsif Court, Paramathi
Namakkal District.



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S.S.SUNDAR, J.,

AP

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