

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(P.D).No.4042 of 2013
and M.P.No.1 of 2013

A.Amirtharaj

...Petitioner

Vs

1.C.Panneerselvam
2.Rajendran
3.A.Jayapandian
4.A.Veerapandian
5.Jothi Anandan
6.Shanmugam
7.K.Sivalinga Naicker

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Indian Constitution of India to call for the records passed in I.A.No.10454 of 2013 in O.S.No.2469 of 1995 dated 08.07.2013 on the file of the VI Asst. City Civil Judge, Chennai and set aside the fair and decretal order made in I.A.No.10454 of 2013 in O.S.No.2469 of 1995 dated 08.07.2013 on the file of the VI Asst. City Civil Judge, Chennai and allow the above revision petition to reopen the evidence of P.W.1 for purpose of marking the certified copy of the sale deed dated 01.03.1995 and registered as Document No.1282 of 1995 in the office of the SRO, Kodambakkam.

For Petitioner : Mr.P.Gunaraj

For Respondents : Mr.K.V.Baby
for R3 & R4
R5-Notice served - NA
R1, R2 & R6 - Not ready in notice
R7-Died

ORDER

The Civil Revision Petition is arising out of the fair and decretal order made in I.A.No.10454 of 2013 in O.S.No.2469 of 1995 dated 08.07.2013 on the file of the VI Asst. City Civil Judge, Chennai, thereby dismissed the petition to reopen the evidenc of P.W.1 for the purpose of marking the certified copy of the sale deed dated 01.03.1995, registered as Document No.1282 of 1995 in the office of the SRO, Kodambakkam.

2.The suit is of the year 1995. The petitioner is the plaintiff and he filed the suit for permanent injunction. In the suit, the petitioner herein was examined as P.W.1 on 16.08.2004. At the time of his examination, he failed to mark the sale deed, since it was Xerox copy. After a period of nine years, the petitioner come forward with the petition to mark the certified copy of the sale deed.

3.The matter was posted for arguments after closing both side evidences. Even at that time, the petitioner failed to produce the original sale deed and now, he wants to mark the certified copy of the sale deed. It was also not produced at the time of filing the petition. Therefore, the trial Court has rightly dismissed the petition in I.A.No.10454 of 2013 in O.S.No.2469 of 1995 dated 08.07.2013 and this Court finds no infirmity or irregularity in the order passed by the Court below.

4.Accordingly, the Civil Revision Petition is dismissed. Further, the suit is posted for arguments and the suit is of the year 1995, the trial Court is directed to dispose of the same within a period of two months from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

10.02.2021

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
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To
The VI Asst. City Civil Judge, Chennai.

G.K.ILANTHIRAIYAN.J,

Jer



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and M.P.No.1 of 2013

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