

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

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

C.R.P.(PD) No.3776 of 2016
and C.M.P.No.19252 of 2016

1. A.Annamalai (Died)
2. Solai
3. Muthukumaran Annamalai
4. Meenakshi Achi

(Petitioners 2 to 4 brought on
record as LR's of the deceased
sole petitioner vide Court order
dated 26.02.2018 made in
C.M.P.No.2886 of 2018 in
C.R.P.No.3776 of 2016)

.... Petitioners

Vs.

V.Annamalai
Rep by power agent
A.N.Veerappan

... Respondent

Prayer :- Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and final order dated 29.09.2016 in I.A.No.745 of 2015 in O.S.No.26 of 2006 on the file of the Additional District Munsif, Alandur.

For Petitioners : Mr.R.Sunil kumar

For Respondent : Mr.S.Rajasekar

ORDER

This Civil Revision Petition has been filed as against the fair and decreetal order dated 29.09.2016 passed by the learned Additional District Munsif, Alandur in I.A.No.745 of 2015 in O.S.No.26 of 2006, thereby dismissing the petition seeking direction to lodge complaint under Section 340 of Cr.P.C., for the production of forged and fabricated documents along with the plaint.

2. The deceased petitioner is the first defendant and his legal heirs are impleaded as defendants to the suit. The respondent filed suit as against the deceased petitioner and two others for permanent injunction in respect of the suit property. Along with the plaint, the respondent filed document in Doc.No.503 of 2005. The deceased petitioner filed an application in I.A.No.745 of 2015 alleging that the documents produced by the respondent are fabricated and forged one and as such, seeking direction from the trial Court to lodge complaint under Section 340 of Cr.P.C. The trial Court dismissed the said application as against which, the present Civil Revision Petition.

3. Admittedly, the trial has not been commenced and no one was examined as witness. Without examining any witness and without marking any document, the trial Court cannot arrive at a conclusion that the documents produced by the respondent are fabricated and forged one. Therefore, the trial Court rightly dismissed the petition and this Court finds no illegality or infirmity in the order passed by the Court below. However, considering the fact that the suit is of the year 2006, the trial Court is directed to complete the trial within a period of six months from the date of receipt of a copy of this Order.

4. Accordingly, the Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

11.02.2021

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

rts

G.K.ILANTHIRAIYAN, J.

rts

To

1. The Additional District Munsif,
Alandur.
2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.



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