

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P (NPD) No.4026 of 2018

and

C.M.P.No.22279 of 2018

T.Kasi

... Petitioner

Vs.

K.R.Rajagopal (Died)

1. Parvathavarthini

2. R.Kalaichezhiya

3. R.Sathish Kumar

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and final order passed by the Sub Court, Arani, dated 26.10.2018, made in I.A.No.62 of 2018 in O.S.No.38 of 2011.

For Petitioner : Mr.B.Jawahar

For Respondents : Mr.S.Gunaseelan

ORDER

This Civil Revision Petition is filed as against the fair and final order passed in I.A.No.62 of 2018 in O.S.No.38 of 2011 on the file of the learned Sub Judge, Arani, thereby dismissing the petition to send for the complaint dated 04.10.2001 to Santhavasal Police Station.

2. The petitioner is the defendant and the respondents are the plaintiffs. The respondents filed a suit for declaration to declare that the sale deed executed in favour of the petitioner dated 22.09.2005 is null and void and also seeking for permanent injunction. While pending the suit, the petitioner filed a petition to send for the complaint dated 04.10.2001 for the reason that the plaintiffs themselves admitted that they executed the sale deed on 01.08.2005 in favour of the petitioner herein and the same was categorically stated in their complaint dated 04.01.2001 lodged before the Inspector of Police, Santhavasal Police Station, Tiruvannamalai District.

3. The learned counsel for the petitioner submitted that it was not whispered in the plaint and as such, he filed a petition to send for the said complaint before the Trial Court. He further submitted that there is categorical admission in the complaint that the plaintiffs executed the sale deed in favour of the petitioner herein and alleged that after the execution of the sale deed, some one impersonated the plaintiffs and registered the sale deed in favour of the petitioner herein. Therefore, the Court below rightly dismissed the petition for the reason that the status of the complaint is not

stated by the petitioner and whether any FIR is registered or any charge sheet is laid on the complainant lodged by the respondents. That apart, the petitioner is not the complainant and the respondents being the plaintiffs, they have to prove the case. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.

4. Accordingly, this Civil Revision Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

19.07.2021

Speaking/Non-speaking order
Index : Yes/No
kv

To

1. The Sub Judge, Arani.
2. The Section Officer,
V.R. Section, High Court of Madras.

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G.K.ILANTHIRAIYAN,J.

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