



C.R.P.(PD) No.4077 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.(PD) No.4077 of 2018
and C.M.P.No.22545 of 2018

1.B.Najma
2.M.Firose Kadhun

... Petitioners

Vs

1.K.O.Abdul Salam
2.K.O.Abdul Rafeek
3.K.O.Abdul Haium
4.The Sub Registrar,
Sub Registrar Office, Uthiramerur.
5.The Thasildhar,
Taluk Office, Uthiramerur.
6.The Revenue Divisional Officer,
Collectorate Compound,
Kanchipuram.
7.The District Collector,
Collectorate Compound,
Kanchipuram.



C.R.P.(PD) No.4077 of 2018

8.Kurshith Begum

9.Shabana Begum

10.Maqbool

... Respondents

(Respondents 8 to 10 impleaded
as per order passed by GKIJ
in C.M.P.No.6646 of 2021
dated 01.07.2021)

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to strike off the plaint in O.S.No.80 of 2017 pending on the file of the District Munsif-cum-Judicial Magistrate at Uthiramerur.

For Petitioners : Mr.B.Narayanan

For Respondents : Mr.G.Puniakotti for R2, R3, R8 to R10
Mr.A.E.Ravichandran,
Government Advocate for R4 to R7
R1 died (Steps Taken)

ORDER

This Civil Revision Petition is filed to strike off the plaint in O.S.No.80 of 2017 pending on the file of the District Munsif-cum-Judicial Magistrate at Uthiramerur.



C.R.P.(PD) No.4077 of 2018

WEB COPY

2. The respondents 1 to 3 filed a suit for mandatory injunction directing the first and second petitioners herein to execute a deed of rectification and rectify the partition deed dated 16.09.2014 registered vide Document No.6156 of 2014 and also for permanent injunction restraining the first and second petitioners herein from interfering with the peaceful possession and enjoyment of the 'A' schedule property.

3. The only ground raised by the petitioners is that the suit is barred by limitation and the suit itself is clear abuse of process of law. After execution of the partition deed dated 16.09.2014, the present suit has been filed after the period of 3 years. Further, while pending the suit, the Advocate Commissioner was appointed and as per his report, no property is there in the particular Survey Number are sought to be amended in the partition deed.

4. All the points raised by the petitioners are bundle of law and facts. That apart, all the grounds raised by the petitioners are factual in nature and



C.R.P.(PD) No.4077 of 2018

it cannot be decided here. All the points can be considered only during the Trial and therefore, this Court is not inclined to allow this Civil Revision Petition.

5. Accordingly, this Civil Revision Petition is dismissed. No order as to costs. However, the petitioners are at liberty to raise all the grounds before the Court below. Consequently, the connected miscellaneous petition is closed.

01.07.2021
(1/2)

Internet:Yes
Index:Yes/No
Speaking/Non speaking order
rna

To

- 1.The District Munsif-cum-Judicial Magistrate,
Uthiramerur.
- 2.The Thasildhar,
Taluk Office, Uthiramerur.
- 3.The Revenue Divisional Officer,
Collectorate Compound,
Kanchipuram.



C.R.P.(PD) No.4077 of 2018

4. The District Collector,
Collectorate Compound,
Kanchipuram.



WEB COPY



C.R.P.(PD) No.4077 of 2018

G.K.ILANTHIRAIYAN. J,

rna

C.R.P.(PD) No.4077 of 2018

01.07.2021