

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2021

CORAM

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

CRP.PD.Nos.4109, 4111 & 4112 of 2018

and

CMP.No.22670 of 2018

CRP.No.4109 of 2018

Chinnasamy

..Petitioner

Vs.

Nandhini

..Respondent

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order in IA.No.1072 of 2018 in OS.No.639 of 2010 dated 02.11.2018 on the file of the Principal Sub Court at Coimbatore.

For Petitioner : Mr.MA.P.Thangavel

For Respondent : Mr.A.Thiyagarajan

CRP.No.4111 of 2018

Chinnasamy

..Petitioner

Vs.

1.Nandhini
2.Giriammal
3.Rangaraj

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order in IA.No.1070 of 2018 in OS.No.639 of 2010 dated 02.11.2018 on the file of the Principal Sub Court at Coimbatore.

For Petitioner : Mr.MA.P.Thangavel

For Respondents

For R1 : Mr.A.Thiyagarajan

R2 & 3 : No appearance

CRP.No.4112 of 2018

Chinnasamy

..Petitioner

Vs.

1.Nandhini
2.Giriammal
3.Rangaraj

..Respondents

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PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order in IA.No.1071 of 2018 in OS.No.639 of 2010 dated 02.11.2018 on the file of the Principal Sub Court at Coimbatore.

For Petitioner : Mr.MA.P.Thangavel

For Respondents

For R1 : Mr.A.Thiyagarajan

R2 & 3 : No appearance

COMMON ORDER

The Civil Revision Petition in CRP.No.4109 of 2018 is filed against the fair and final order in IA.No.1072 of 2018 in OS.No.639 of 2010 dated 02.11.2018 on the file of the Principal Sub Court at Coimbatore, thereby dismissing the petition filed to reject the Ex.A6, A8 to A11 from the suit records; CRP.No.4111 of 2018 is filed against the fair and final order in IA.No.1070 of 2018 in OS.No.639 of 2010 dated 02.11.2018 thereby allowed the petition permitting the respondent to produce xerox copies of the stamp papers; and CRP.No.4112 of 2018 is filed against the fair and final order in IA.No.1071 of 2018 in OS.No.639 of 2010 dated 02.11.2018 thereby

permitting the petitioner to produce the documents being proceedings of the Tahsildar under Order 7 Rule 14 (3) of CPC.

2. In all the civil revision petitions, the petitioner is the third defendant and the respondents are the plaintiffs. The respondents filed petition seeking permission to produce xerox copies of stamp papers and also they filed petition seeking permission to produce documents related to proceedings of the Tahsildar under Order 7 Rule 14 (3) of CPC. The petitioner also filed petition to reject Ex.A6, A8 to A11 which were marked through PW1 from the suit. The respondents filed suit for specific performance on the strength of the sale receipt dated 15.05.2005. At the time of filing the suit, they annexed various documents and also xerox copies of the stamp papers which were purchased by the respondents herein for the purpose of execution of sale deed. Since the petitioner failed to execute the sale deed, which resulted in filing of the suit for specific performance.

3. The stamp papers were surrendered before the authority concerned for reimbursement of its sale price. On surrendering the stamp papers, the District Treasury refunded the money paid by the respondents herein. The original stamp papers were surrendered before the Treasury and as such the respondents sought permission

to mark the xerox copies of the original stamp papers. In fact, they categorically mentioned about the purchase of the stamp papers in paragraph 8 of the plaint. That apart, they also filed xerox copies of the stamp papers which were purchased by them for execution of the sale deed. Insofar as surrendering the stamp papers and also the refunded amount proceedings, they are rightly permitted to be marked by the court below.

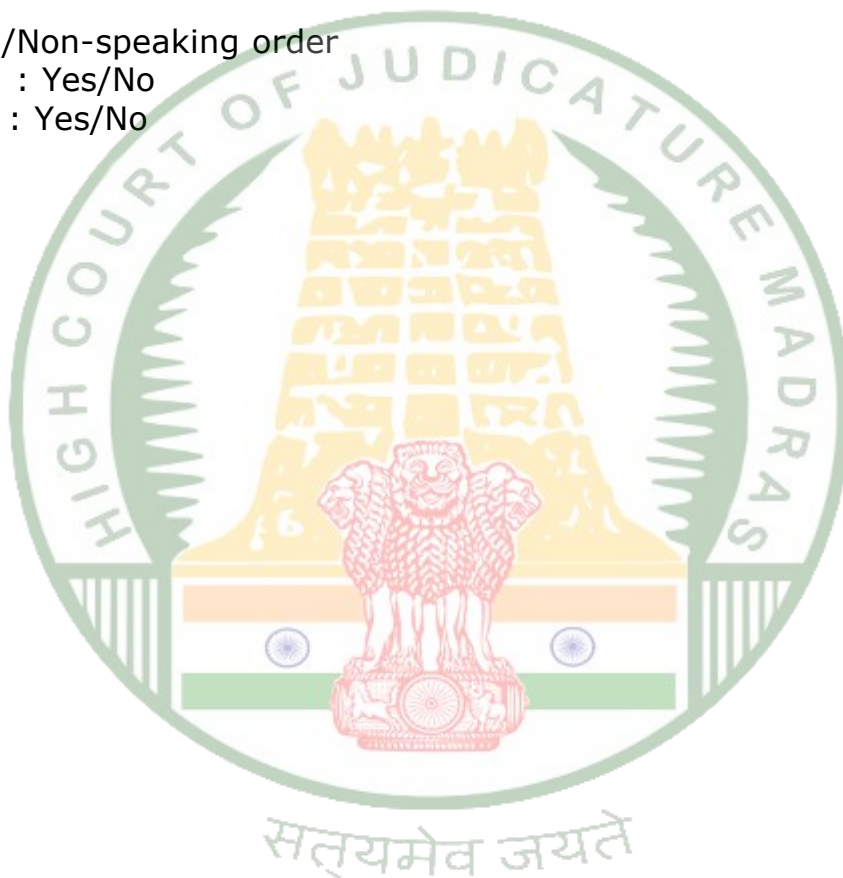
4. Insofar as Ex.A6, A8 to A11 are concerned, Ex.A6 is the newspaper publication and it is the certificate for depositing the amount by the first respondent in the Indian Bank. Ex.A10 and A11 are concerned, they are related to passbook of one, Sivakumar and Ganapathy Subramaniam. Through their accounts, the amount has been paid to the first respondent herein. However, those documents were marked with objections and the admissibility of the documents are subject to its proof and relevancy. Therefore, the court below rightly dismissed the petition filed by the petitioner herein and this Court finds no infirmity or illegality in the orders passed by the court below.

5. Accordingly, all the civil revision petitions are dismissed. Considering that the suit is of the year 2010, the court below is

directed to dispose of the suit within a period of six months from the date of receipt of copy of this order. Consequently, connected miscellaneous petition is closed. No order as to costs.

30.07.2021

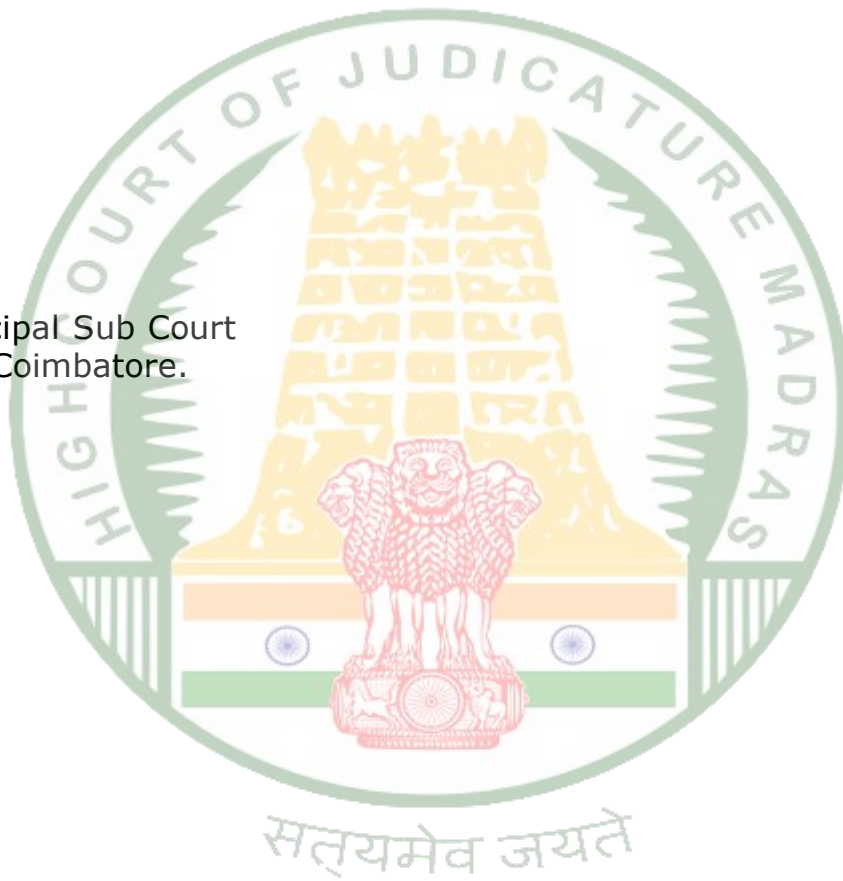
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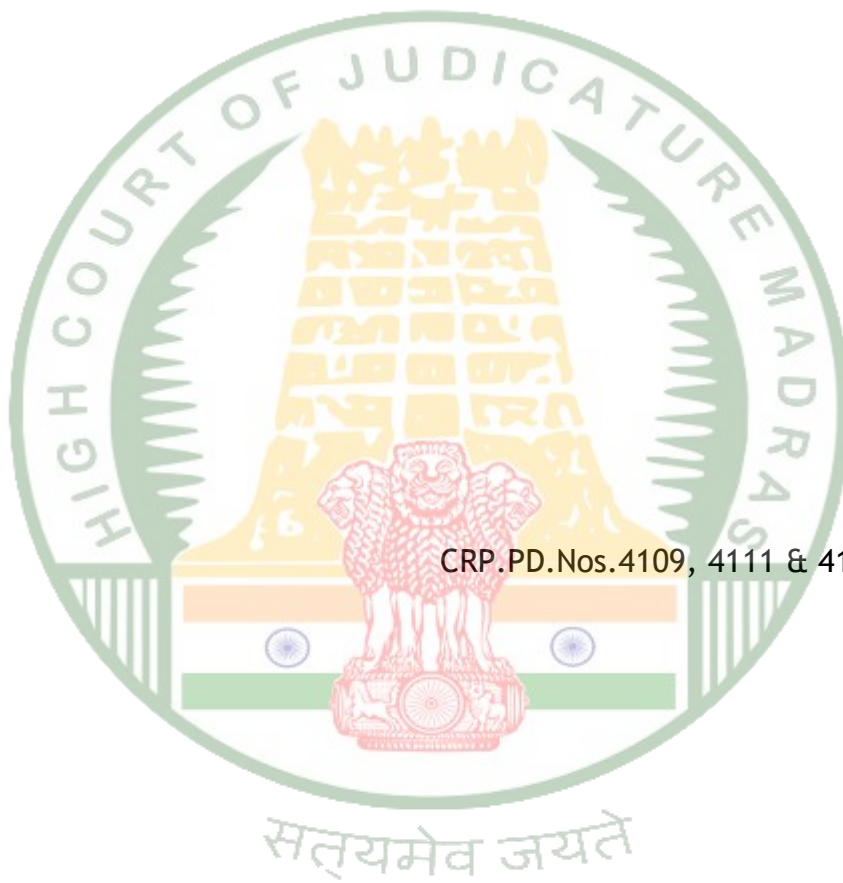
The Principal Sub Court
at Coimbatore.



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G.K.ILANTHIRAIYAN,J.

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