



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

C.R.P.(MD)No.315 of 2021

and C.M.P.(MD)No.1760 of 2021

S.Venkatesan

... Petitioner

Vs.

1.G.Annadurai

2.A.Sathya

3.Radika

4.A.Rajendran

... Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 03.12.2020 in I.A.No.3 of 2020 in O.S.No.19 of 2014 on the file of the first Additional District Judge, Thanjavur.

For Petitioner : Mr.G.Prabhu Rajadurai

ORDER

This civil revision petition has been filed to set aside the fair and decreetal order dated 03.12.2020 in I.A.No.3 of 2020 in O.S.No.19 of 2014 on the file of the first Additional District Judge, Thanjavur.

2.The facts of the case is that the petitioner filed a suit in O.S.No.19 of 2014 for declaration declaring that the sale deeds registered in favour of the defendants dated 19.07.2011 registered as Document Nos.1431, 1432, 1433/2011 are null and void and for consequential relief of injunction restraining the defendants from interfering with the peaceful possession and enjoyment of the suit properties and also for mandatory injunction directing the defendants to cancel the three sale deeds dated 19.07.2011 in document Nos.1431, 1432, 1433/2011. During pendency of the above suit, the petitioner filed an interlocutory application in I.A.No.3 of 2020 to reopen the case for examination of the fourth respondent/4th defendant and also concerned Sub Registrar. The Court below dismissed the said application. Aggrieved over the same, the present petition has been filed.

3.The learned counsel for the petitioner would submit that the fourth respondent, who is the power agent of the petitioner, conveyed the suit properties. The petitioner mortgaged the suit properties before the bank and executed a mortgage deed in favour of the bank when the mortgage is in substance the concerned Sub Registrar in law is not supposed to register the documents. The examination of the above said two persons as a witness is more important to prove the petitioner's case. However, the Court below dismissed the application. Hence, the petitioner filed the present



civil revision petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Perusal of the records shows that the suit was filed for declaration and mandatory injunction. The learned Judge finding that the petitioner has not categorically mentioned the purpose for which he needs the examination of the Sub Registrar himself whereas the Junior Assistant of the same Office has already given evidence on the basis of authorization given by the Sub Registrar. The petitioner was already given opportunity in I.A.No.19 of 2014. The petitioner has to prove his case by adducing his own evidence. Hence, I do not find any infirmity in the order and interference of this Court is not warranted. Accordingly, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The I Additional District Judge,
Thanjavur.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-7943[F] dated 01/03/2021)

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SVN(CO)
KB(29.04.2021) 2P 3C