



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2021

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P (MD)No.459 of 2019

and

C.M.P. (MD)No.2322 of 2019

WEB COPY

1.M.Jeyaraman

2.Mohan

... Petitioners/Respondents/Defendants

vs.

Arief @ Hajara Begum

... Respondent/Petitioner/Plaintiff

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the order and decree, dated 11.12.2018 made in I.A.No.1629 of 2018 in O.S.No.543 of 2013 on the file of the Principal District Munsif Court, Dindigul District and allow this Civil Revision Petition.

For Petitioners	: Mr.G.Gomathi Sankar
For Respondent	: Mr.H.Lakshmi Shankar

O R D E R

The Civil Revision Petition has been filed by the revision petitioners to set aside the fair and decretal order, dated 11.12.2018 in I.A.No.1629 of 2018 in O.S.No.543 of 2013 passed by the learned Principal District Munsif, Dindigul District.

2.The respondent herein/plaintiff has filed a suit in O.S.No.543 of 2013 for declaration and permanent injunction and during the pendency of the suit, he has filed a petition in I.A.No.1629 of 2018 in O.S.No.543 of 2013, under Order 13 and Rule 4 and Section 151 of Civil Procedure Code, to mark the registered document, dated 11.12.1999 on the side of the plaintiff and the same was allowed on 11.12.2018 against the revision petitioners herein. Aggrieved over the same, the revision petitioners/Defendants have filed this Civil Revision Petitioner.

3.Heard Mr.G.Gomathi Sankar, learned counsel appearing for the revision petitioners and Mr.H.Lakshmi Shankar, learned counsel appearing for the respondent.

4.It is only creation of easement right in a pathway. The document need not be registered as per Judgment delivered in **S.A.No.208 of 2017, dated 18.01.2018, Pandhari Vs. Motiram Jayram Deogade and Ors.** The agreement executed for right of easement is not required to be registered. Hence, the trial Court has rightly allowed the petition to mark the undertaking deed. Hence, this Court



has no valid reasons to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition stands dismissed by confirming the fair and decreetal order, dated 11.12.2018 in I.A.No.1629 of 2018 in O.S.No.543 of 2013 passed by the learned Principal District Munsif, Dindigul District. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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

1.The Principal District Munsif Court,
Dindigul District.

Copy to:

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+1 CC to M/s.G.GOMATHI SHANKAR, Advocate (SR-31473[F] dated 07/10/2021)

+1 CC to M/s.H.LAKSHMI SHANKAR, Advocate (SR-31282[F] dated 05/10/2021)

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AM(CO)/RS (25.10.2021) 2P 6C