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C.R.P.(PD).No.1006 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

C.R.P.(PD).No.1006 of 2022

and

C.M.P.No.5205 of 2022

Dora Suseela

... Petitioner

Vs.

1.Seesu Rajakili

Rev. Father Mathew Vettical (died)

2.F.Mariya Chandran

... Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 09.03.2022 in I.A.No.1041 of 2019 in O.S.No.279 of 1999 C/W.O.S.No.412 of 2004 on the file of the Principal District Munsif, Alandur and consequently allow the I.A.No.1041 of 2019.

For Petitioner : Mr.M.Thangadurai

For Respondents : Mr.T.M.Mano



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ORDER

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2. The revision petitioner is the plaintiff in the suit. She has filed the suit for declaration and recovery of possession on the basis of the registered sale deed dated 06.02.1997. During the pendency of the suit, she has filed a petition in I.A.No.1041 of 2019 for the purpose of summoning one Mr.Nelson as a witness on the side of the plaintiff. The learned trial Judge dismissed the same. Aggrieved over that, the revision petitioner has preferred this revision.

3. The learned counsel for the petitioner submitted that the said Nelson is a person who had attested the sale deed dated 06.02.1997, through which the plaintiff she claims title to the suit property.

4. In the order of the learned trial Judge observations have been made about the repeated petitions filed by the plaintiff and her lack of cooperation to dispose the suit which is pending for more than 20 years. Even on merits,



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the petitioner/ plaintiff has to establish her title only by proving the entitlement of her vendor to transfer a valid title in her favour through the alleged sale deed dated 06.02.1997. When the facts are so, examining the attesting witness of the sale deed is not in any way going to promote the title of the plaintiff. The learned trial Judge has rightly observed that examination of Nelson is not necessary and dismissed the petition.

5. I find no reason to interfere with the order of the learned trial Judge. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

13.06.2022

Index: Yes/No
Speaking / Non Speaking Order
dsa

To

The Principal District Munsif, Alandur.



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R.N.MANJULA, J

dsa

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