



C.R.P.(PD)No.3820 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

C.R.P(PD)No.3820 of 2016
and C.M.P.No.19512 of 2016

M/s.Sterlite Castings and Forgings
Rep. by its Proprietor
Mr.Sundar Pal Singh
22, Muthulal Reddy Street
Alandur
Chennai – 16

... Petitioner

Vs.

1.State Industries Promotion Corporation of Tamil Nadu
(SIPCOT)
Rep. by its Managing Director
19-A, rukumani Lakshmiopathy Road
Egmore
Chennai – 8

2.Anand
3.Mahesh

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 28.09.2016 made in I.A.No.123 of 2015 in O.S.No.106 of 2010 on the file of the learned Sub-Judge, Maduranthakam.



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For Petitioner : Mr.A.Devnarendran
For Respondents : M/s.Sudharsana Sundar
Standing Counsel for R1

ORDER

The Civil Revision Petition has been filed challenging the fair and decreetal order passed in I.A.No.123 of 2015 in O.S.No.106 of 2010 by the Sub-Judge, Maduranthakam, dated 28.09.2016, dismissing the application filed by the petitioner under Order XIII Rule 5 C.P.C.

2. The petitioner/plaintiff filed a Suit before the Court below in O.S.No.106 of 2010, seeking for the relief of declaration of title, permanent injunction and mandatory injunction. According to the petitioner, the Suit property was handed over to the petitioner in the year 2003 and letter was also issued on 28.03.2003 along with the draft sale deed and ultimately, only on 11.04.2008, a fresh sale deed was executed in favour of the plaintiff by the 1st respondent. Thereafter, an attempt was made by the 2nd and 3rd respondents to interfere with the possession and enjoyment of the property. Hence the Suit was laid before the Court below seeking for appropriate reliefs.

3. The pleadings were completed and issues were framed and the case



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was at the stage of trial and PW.1 was in the witness box. At this juncture, an application came to be filed by the petitioner under Order XIII Rule 5 C.P.C., to summon the 1st respondent and to produce the letter dated 06.06.2002, unregistered sale deed dated 28.10.2003 and letter of the Sub Registrar dated 28.10.2003. This application was resisted by the respondents on the ground that the documents had absolutely no relevance to decide the lis between the parties.

4. The Court below on considering the rival contentions, came to the conclusion that the petitioner had traced his right and title over the Suit property only through the registered sale deed dated 11.04.2008 and there is no requirement to summon the document of the year 2003 and more particularly, an unregistered sale deed. The Court below also found that the petitioner had waited for nearly five years to file this petition and hence, this petition was dismissed on the ground of delay also. Aggrieved by the same, the petitioner/plaintiff has filed the present Civil Revision Petition.

5. In the considered view of this Court, the entire case of the plaintiff



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hinges upon the registered sale deed dated 11.04.2008 that was executed by the 1st respondent/1st defendant. A categorical stand has been taken by SIPCOT to the effect that they are not in possession of any unregistered sale deed and the so called sale deed has not sent for registration to the concerned Registrar office.

6. The Court below has rightly held that the petitioner is relying upon the registered sale deed dated 11.04.2008 to trace his right and title and hence unregistered sale deed of the year 2003 will not have any bearing in the present case. That apart, the petitioner waited for nearly five years to move this application when PW.1 was in the witness box. That ground was also rightly put against this petitioner and this Court does not find any infirmity in the order passed by the Court below.

7. In the light of the above discussions, the fair and decreetal order passed by the Court below in I.A.No.123 of 2015 in O.S.No.106 of 2010, dated 28.09.2016 are hereby sustained and in the result, this ***Civil Revision Petition is dismissed.*** Consequently, the connected Civil Miscellaneous



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Petition is also dismissed. The Court below is directed to dispose of the Suit in O.S.No.106 of 2010 within a period of three (3) months from the date of receipt of a copy of this order. The Court below shall file a compliance report after completion of the proceedings before this Court.

12.12.2022

rpl

Index : Yes/No
Internet : Yes / No
Speaking /Non Speaking

To

The Subordinate Court
Maduranthakam

N.ANAND VENKATESH, J.

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