



C.R.P.No.2315 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2022

CORAM

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

C.R.P.No.2315 of 2019
and
CMP No.15033 of 2019

Gunaseelan

....

Petitioner

Vs

1. Vilasavathi
2. Nelson

3. The District Registrar,
Virudhachalam.

4. The Sub Registrar,
Mangamalapettai

5. The District Collector,
Cuddalore.

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Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the fair and decretal order in I.A.No.797 of 2018 in O.S.No.185 of 2010 dated 18.09.2018 on the file of the Principal District Munsif, Ulundurpet.



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For Petitioners : Mr.Vasanth P.
For R1 & R2 : Mrs.R.Poornima
For R3 to R5 : Mr.C.Sathish,
Government Advocate

ORDER

This Civil Revision Petition has been filed to set aside the fair and decreetal order in I.A.No.797 of 2018 in O.S.No.185 of 2010 dated 18.09.2018 on the file of the Principal District Munsif, Ulundurpet, thereby dismissing the petition filed under Order 16 Rule 1 of CPC, to summon and examine as a witness in the suit.

2. The revision petitioner is the plaintiff and the respondents are the defendants. The petitioner filed a suit for declaration and injunction in respect of the suit property. After closing the evidence of both sides, when the suit was posted for argument, the petitioner filed an application to summon the District Registrar, Registration Department, Cuddlore, to give evidence in order to prove that Ex.A6 dated 15.07.2010 was not executed in a stamp paper purchased from the stamp vendor.

3. A perusal of the records reveals that Ex.A6 Settlement



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Cancellation Deed dated 15.07.2010 would not have been purchased from the stamp vendor by name B.Krishnapriya, since her license was revoked in the year 2008 itself. If at all the business of her stamp vending is cancelled, the petitioner ought to have produced the same. Without an iota of evidence and on oral submission, the petitioner sought for summoning the District Registrar to examine him on their side. At the end of the suit, the petitioner introduced new set of facts and it is irrelevant to decide the main issue involved in the suit. Therefore, the Court below rightly dismissed the petition.

4. In view of the above, this Court finds no infirmity or illegality in the order dated 18.09.2018 passed in I.A.No.797 of 2018 in O.S.No.185 of 2010 on the file of the Principal District Munsif, Ulundurpet. Accordingly, this Civil Revision Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

20.12.2022

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
Lpp

G.K.ILANTHIRAIYAN, J.



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To

The Principal District Munsif,
Ulundurpet.



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