



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P(MD)No.33 of 2022 &

CMP(MD)No.182 of 2022

WEB COPY

N.V.Subramanian

... Petitioner

Vs.

Lakshmanan @ Rasu

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and executable order dated 06.12.2021 in IA.No.117/2021 in IA.No.41/2021 in OS.No.25/2015 on the file of the District Munsif cum Judicial Magistrate, Natham, Dindigul District.

|                |   |                       |
|----------------|---|-----------------------|
| For Petitioner | : | Mr.P.Vairava Sundaram |
| For Respondent | : | Mr.K.Venkittaraman    |

ORDER

The revision petition is filed against the order dated 06.12.2021 in IA.No.117/2021 in IA.No.41/2021 in OS.No.25/2015 on the file of the District Munsif cum Judicial Magistrate, Natham, Dindigul District.

2. IA.No.117/2021 was filed by the respondent / defendant under Order 8 Rule 1A (3) to receive the registered copy of the release deed dated 12.12.1966 in IA.No.41/2021, which was filed to vacate the interim injunction. The learned District Munsif cum Judicial Magistrate, Natham, Dindigul District has allowed the IA filed to receive document. Challenging the said order, the petitioner / plaintiff has come up with this revision.

3. Heard both sides and perused the materials available on record.

4. A perusal of the written statement filed by the respondent / defendant in OS.No.25/2015 would show that in paragraph no.5 of the written statement, the respondent / defendant has already mentioned about the release deed. However, the date of release deed was mentioned as 12.09.1966. IA.No.117/2021 was filed by the respondent / defendant to receive the release deed dated 12.12.1966. As per the pleadings in the written statement, the petitioner / plaintiff had executed the release deed dated 12.09.1966 and suppressing the fact, the petitioner / plaintiff had also executed an unregistered partition deed dated 15.09.1978. Therefore, in the written statement itself, there was mention about the release deed. The petitioner / plaintiff has also filed a reply statement to deny the



release deed. However, the date of release deed was wrongly mentioned. The release deed was registered on 12.12.1966. Suppose if, the unregistered partition deed was executed by the petitioner / plaintiff without disclosing the release deed, then, the petitioner / plaintiff cannot file the suit for permanent injunction. So, the document is a necessary document. Whether the released deed is genuine or forged one can be decided only in suit.

5. The learned counsel for the petitioner / plaintiff argued that the petitioner / plaintiff has to file additional pleadings about the release deed dated 12.12.1966, since the respondent / defendant has not mentioned about the release deed dated 12.12.1966 in his written statement. It is also submitted that, in the suit, already PW1 has filed proof affidavit for chief examination. In the facts and circumstances of the case, this Court is inclined to direct the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District to receive additional pleadings from the petitioner / plaintiff and proceed with the trial without entertaining the vacate interim injunction petition. The learned District Munsif is also directed to assess the stamp duty within the stipulated time and conclude the trial within a period of six months from the date of receipt of a copy of this order. The petitioner / plaintiff is directed to submit the additional pleadings before the District Munsif cum Judicial Magistrate Court, Natham, Dindigul District within a period of 15 days from the date of receipt of a copy of this order.

6. With the above directions, this Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mbi

To  
The District Musif cum Judicial Magistrate,  
Natham, Dindigul District.

+1 CC to M/s.K.VENKITTARAMAN, Advocate (SR-5654[F] dated 11/02/2022 )

C.R.P (MD)No.33 of 2022  
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