



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

C.R.P. (MD)No.188 of 2022

and

C.M.P. (MD) .No.819 of 2022

WEB COPY

M.Meenatchi ...Petitioner/Petitioner/1st Defendant
Vs.
1.A.Vellachi ...Respondent/Respondent/Plaintiff
2.S.Malaichami
3.I.Subramanian
4.S.Ravindra Pandiyan
5.The Sub Registrar,
Mahal Road,
Madurai South,
Madurai. ...Respondents/Respondents/Defendant Nos.2 to 5

PRAYER: Civil Revision Petition under Section 227 of Constitution of India, against the rejection order dated 14.12.2021 passed in I.A.No.338 of 2021 in O.S.No.53 of 2019 on the file of the learned II Additional Sub Judge, Madurai.

For Petitioner : Mr.I.Murugesan
For R-1 : Mr.J.C.S.Thillainayagam
For R-5 : Mr.A.Kannan
Additional Government Pleader
For R-2 to R-4 : No Appearance

ORDER

This Civil Revision Petition has been filed to set aside the rejection order, dated 14.12.2021 made in I.A.No.338 of 2021 in O.S.No.53 of 2019, passed by the learned II Additional Sub Judge, Madurai.

2. The parties are referred to as per the rank mentioned before the Court below.

3. The 1st defendant / revision petitioner herein has filed this civil revision petition to set aside the rejection order, dated 14.12.2021 made in I.A.No.338 of 2021 in O.S.No.53 of 2019 to obtain permission to examine the Assistant Sub Registrar No.1, Madurai South. The said petition was dismissed by the II Additional Sub Judge, Madurai, on the ground that the revision petitioner herein is duty bound to prove the documents by examining the witness of the



document and there is a separate Rule envisaged in Civil Rules of Practice for examination and production of documents from the Government Servant. Aggrieved over the said order, the revision petitioner is before this Court.

4. Heard on either side and perused the material documents available on record.

5. The first respondent is the plaintiff in the suit and the other parties are not necessary. The revision petitioner wants to examine the Assistant Sub Registrar No.1 to prove the registration of documents. Already the sale deed was registered and the sale deed speaks for itself and there is no other reason in the petition. The attesor of the sale deed was already examined. In the opinion of this Court, the Assistant Sub Registrar is not a proper witness and so there is no necessity to call for the Assistant Sub Registrar No.1 as a witness.

6. Accordingly, this Civil Revision Petition is dismissed and the rejection order, dated 14.12.2021 made in I.A.No.338 of 2021 in O.S.No.53 of 2019, passed by the learned II Additional Sub Judge, Madurai, is confirmed. No Costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

tsg

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 II Additional Sub Judge, Madurai.

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-18213[F] dated 12/04/2022)

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12.04.2022

RD(26.04.2022) 2P 3C