



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.03.2022
CORAM

THE HON'BLE MRS.JUSTICE S.ANANTHI
C.R.P (MD) No.1112 of 2021
and
C.M.P (MD) No.6480 of 2021

Rajeshwari

... Petitioner/Defendant No.1

Vs.

1.Shanmugavellamal
2.Rajasekaran
3.Malaimegam
4.Andiselvam
5.Muthuambalam
6.Selvam
7.Thiruppathi
8.Muthu
9.Balakrishnan

...1st Respondent/plaintiff

... Respondent Nos.2 to 9/
Defendant Nos.2 to 9

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records relating to the order passed in I.A.No.1 of 2019 dated 04.03.2021 on the file of the District Munsif Cum Judicial Magistrate Court, Tiruppuvanam and to set aside the same.

For Petitioner : Mr.S.Subbiah
Senior Advocate for Mr.D.Senthil

For R1 : Mr.V.Janakiramulu

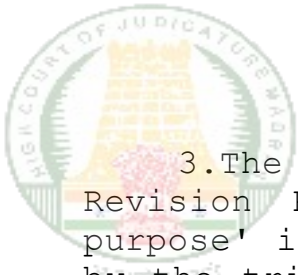
For R2 - R9 : Mr.V.Selvakumar

ORDER

The Civil Revision Petition has been filed to set aside the order passed in I.A.No.1 of 2019 dated 04.03.2021 on the file of the District Munsif Cum Judicial Magistrate Court, Tiruppuvanam.

2.The said I.A.No.1 of 2019 was filed by the first respondent/plaintiff, to mark the unregistered partition deed for collateral purpose after paying stamp duty penalty, which was allowed by the learned District Munsif Cum Judicial Magistrate, Thiruppuvanam as per judgment reported in **2017 (2) MWN (civil) 165.**

<https://hcservices.ecourts.gov.in/hcservices/>



3.The revision petitioner/1st defendant has filed this Civil Revision Petition on the ground that 'what is the collateral purpose' is not stated in the application. But, it can be decided by the trial Court, at the time of taking evidence. So, nothing is wrong for allowing the said I.A.No.1 of 2019. The suit is only for permanent injunction. To prove the possession, it can be looked into. The questions raised by the revision petitioner/1st defendant can be raised before the Court below.

4.In view of the above, the Civil Revision Petition is dismissed and the order dated 04.03.2021 made in I.A.No.1 of 2019 passed by the learned District Munsif Cum Judicial Magistrate Court, Tiruppuvanam is hereby confirmed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

vsd

To

The District Munsif Cum
Judicial Magistrate Court,
Tiruppuvanam.

Copy to: The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 Copies)

+1 CC to M/s.D.SENTHIL, Advocate
(SR-15070[F] dated 29/03/2022)

+1 CC to M/s.V.JANAKIRAMULU, Advocate
(SR-15446[F] dated 30/03/2022)

Order made in
C.R.P (MD) No.1112 of 2021
and
C.M.P (MD) No.6480 of 2021
28.03.2022