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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.04.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.828 of 2018
and
C.M.P(MD)No.3665 of 2018

P.Velu ... Petitioner/Plaintiff

Vs.

1.M.Suseela
2.G.Muthukrishnan ... Respondents/Defendants

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India against the docket order, dated, 22.09.2017 made in O.S.No.947 of 2010 on the file of the III Additional District Munsif Court, Trichy.

For Petitioner : Mr.K.K.Senthil
For Respondents : Mr.P.Vinoth
for Mr.R.Subramanian

ORDER

The plaintiff is the revision petitioner.

2. The plaintiff had filed a suit for permanent injunction, restraining the defendants from interfering with the peaceful possession and enjoyment of the suit schedule properties and not to dispossess him, except by due process of law.

3. According to the plaintiff, he is in possession of the property as tenant after paying an advance amount of Rs.1,45,000/- (Rupees One Lakh and Forty Five Thousand only). In support of his contention, the plaintiff made an attempt to produce an unregistered lease agreement and a mortgage deed. Pending suit, the learned trial Judge passed an interim order, permitting these two documents to be marked on payment of stamp duty and penalty. The said order is under challenge in the present revision petition.

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4. Even before filing of the revision petition, the defendants in the suit have already filed O.S.No.1415 of 2017 before Sub-Court, Trichy for the relief of recovery of possession as against the present plaintiff. In the said plaint, the plaintiff (defendant in the present suit) has admitted that they owe a sum of Rs.1,45,000/- (Rupees One Lakh and Forty Five Thousand only) to the plaintiff in the present suit. It is further contended that the plaintiff has been inducted into the suit schedule properties, based upon the unregistered usufructuary mortgage deed. Since the claim of the plaintiff in the present suit has been admitted by the defendant in O.S.No.1415 of 2017, I find that the attempt on the side of the plaintiff in the present suit to mark the unregistered lease deed and the mortgage deed have lost their relevancy and nothing survives in this petition. The order of the trial Court is confirmed.

5. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Admn.I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

gbg

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 III Additional District Munsif Court,
   Trichy.

2. The Record Keeper,
   Vernacular Section,
   Madurai Bench of Madras High Court,
   Madurai. (2 Copies)

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+1 CC to M/s.R. SUBRAMANIAN, Advocate
(SR-20204[F] dated 21/04/2022)

+1 CC to M/s.K.K. SENTHIL, Advocate
(SR-20379[F] dated 22/04/2022)

Order made in
C.R.P(MD)No.828 of 2018
and
C.M.P(MD)No.3665 of 2018
20.04.2022

SP/07/06/2022/3P/6C

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