



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (MD) .No.1657 of 2021

and

CMP (MD) .No. 8985 of 2021

Muthuraj : Petitioner / Petitioner/
Plaintiff

Vs.

Saravanan : Respondent / Respondent/
Defendant

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 16.03.2021 made in I.A.No.1 of 2021 in O.S.No.298 of 2013 on the file of the Additional District Munsif Court, Thenkasi.

For petitioners : Mr.R.J.Karthick
For respondent : Mr.S.Deendhaylan

ORDER

The revision petitioner / plaintiff filed this revision to set aside the order, dated 16.03.2021 made in I.A.No.1 of 2021 in O.S.No.298 of 2013 on the file of the Additional District Munsif Court, Thenkasi.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The said Interlocutory Application filed by the petitioner / plaintiff to produce the sale agreement alleged to have been executed between the vendor of the plaintiff and the vendor of the defendant.

4. The petitioner / plaintiff has claimed a right in pathway. As per his averments in the petition, agreement was executed between both the vendors for a common pathway. Subsequently, his vendor purchased the property in the year 1994 and in the sale deed common pathway was not stated as part of the



property. In the year 1999, the plaintiff has purchased the property from his vendor. In the said sale deed also he has not given any pathway right. Now, he filed an agreement 05.1.1998 to prove that there was an agreement between the vendors. Without pleadings, the plaintiff cannot produce the documents to prove his case. Further, the petitioner / plaintiff can get his right only through sale deed. So, the trial Court has rightly dismissed the petition. Hence, this Court is not inclined to interfere with the order passed by the Court below.

5. Accordingly, this Civil Revision Petition is dismissed by confirming the order, dated 16.03.2021 made in I.A.No.1 of 2021 in O.S.No.298 of 2013 on the file of the Additional District Munsif Court, Thenkasi. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS I)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

trp

To

The Additional District Munsif Court,
Thenkasi.

Copy To:
The Section Officer,
VR Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-14136[F] dated 24/03/2022)

C.R.P(MD).No.1657 of 2021 and
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22.03.2022

MK/04.04.2022/2P/5C