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C.R.P.No.1231 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.04.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

C.R.P.No.1231 of 2023

and

C.M.P.No.8349 of 2023

N.C.Selvakumar

. . . Petitioner

Versus

1.Malliga Mohan

2.N.Kasinathan

. . . Respondents

PRAYER : Civil Revision Petition filed under Article 227 of Constitution of India to set aside the docket order dated 14.3.2023 passed by the Additional District Judge, Chengalpattu rejecting the unnumbered I.A.Sr.No.802 of 2023 in O.S.No.200 of 2018 and allow the same as prayed for.

For Petitioner : Mr.J.Kalidas

For Respondents : Mr.D.Saikumaran
for R1

ORDER

Heard Mr.J.Kalidas, learned counsel for the petitioner and perused the records.



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2. This revision is filed aggrieved by the docket order dated 14.3.2023 passed by the learned Additional District Judge, Chengalpattu rejecting the unnumbered I.A.Sr.No.802 of 2023 in O.S.No.200 of 2018.

3. It is submitted by the learned counsel for the petitioner that the first respondent/plaintiff has filed a suit for recovery of possession against the petitioner/first defendant alleging that he has purchased the schedule of property from the persons claimed to be the legal heirs of owners of the schedule of property on the basis of "Relationship Certificate". It is also submitted that there is no practice of issuance of "Relationship Certificate" by the Revenue Department. The petitioner has moved an application under Section 45 of Indian Evidence Act, 1872 to prove that the signature on the "Relationship Certificate" does not belong to the Thasildar, Chengalpattu.

4. Mr.R.Saikumaran, learned counsel appearing for the first respondent submitted that on considering the evidence of the Deputy Thasildar, the trial Court has rightly rejected the application filed by the petitioner under Section 45 of the Indian Evidence Act, 1872.

5. At this juncture, the learned counsel appearing for the petitioner



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requested the permission of this Court to withdraw the petition with liberty to move an application before the trial Court for examination of the then Thasildar who has allegedly issued the "Relationship Certificate" dated 31.10.2005 in Mu.Mu.6989/2005/A5/2005.

6. Considering the submissions, the petitioner is permitted to withdraw this Civil Revision Petition, while granting liberty to move an application before the trial Court for examining the then Thasildar in respect of the "Relationship Certificate" dated 31.10.2005. On filing of such application, the trial Court is directed to dispose of the same on merits on hearing the parties as expeditiously as possible as the main case is stated to be posted for arguments.

7. With these direction, this Civil Revision Petition is dismissed as withdraw. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

21.04.2023

Note: Issue Order Copy on 24.04.2023

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

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DR.D.NAGARJUN, J.,
ms

To

The Additional District Judge,
Chengalpattu.

C.R.P.No.1231 of 2023
and
C.M.P.No.8349 of 2023

21.04.2023