



C.R.P.No.2727 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2023

CORAM:

**THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN**

**C.R.P.No.2727 of 2019  
and  
C.M.P.No.17960 of 2019**

1. A. Ponnuvel (Died)
2. Chandra

[Sole petitioner died. Second petitioner brought on record as LR of the deceased sole petitioner, viz., Ponnuvel vide Court order dated 23.02.2023 made in C.M.P.No.6787 of 2022 in C.R.P.No.2727 of 2019]

... Petitioners

Vs.

Indrani

... Respondent

Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the fair and decreetal order dated 11.07.2019 in I.A.No.1 of 2019 in O.S.No.34 of 2012 on the file of the District Munsif, Mettur.

For Petitioner : Mr.T.R.Rajaraman

For Respondent : No appearance



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## ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 11.07.2019 in I.A.No.1 of 2019 in O.S.No.34 of 2012 on the file of the District Munsif Court, Mettur, thereby, partly allowing the petition seeking to scrap Ex.B1.

2. The learned counsel for the petitioner submitted that the first petitioner, viz., A.Ponnuvel died and the legal heir of the deceased/first petitioner, has been substituted in the said Civil Revision Petition.

3. The first petitioner (since deceased) is the defendant and the respondent is the plaintiff. The respondent/plaintiff filed a suit for partition and permanent injunction in respect of the suit properties. The respondent was examined as P.W1. During cross examination, the first petitioner/defendant had produced the release deed, which was executed by the respondent herein. However, without looking into the recital of the said document, the Court below allowed the respondent to mark the same as Ex.B1.

4. The content of the said document is that the respondent released



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her right over the property. The said document must be registered in accordance with law. It is admittedly unregistered document and it cannot be looked into as evidence in accordance with law. Therefore, respondent/plaintiff filed a petition to scrap Ex.B1.

5. The respondent filed the suit for partition and she was examined as PW.1. During cross examination, she categorically admitted the document Ex.B1. She also failed to make any objection while marking Ex.B1. Now, the respondent sought for scraping the entire document and only her signature was marked as Ex.B1. Therefore, the Court below rightly partly allowed the petition. As such, this Court finds no infirmity or illegality in the impugned order passed by the Court below.

6. Accordingly, this Civil Revision Petition is dismissed. No costs.

23.02.2023

Index : Yes/No  
Neutral Citation: Yes/No  
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**G.K.ILANTHIRAIYAN,J.**

Kv

1. The District Munsif Court, Mettur.
2. The Section Officer,  
V.R. Section,  
High Court, Madras.

**C.R.P.No.2727 of 2019**

**23.02.2023**