



C.R.P. No. 3230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 3230 of 2023

1. A. Sebasthian

2. A. Palraj

...Petitioners

.Vs.

1. S. John Sagayaraj

2. S. Selvaraj

3. A. Soosaidurairaj

...Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside I.A.No. 2 of 2023 order dated 15.06.2023 and direct the Hon'ble Additional District Munsif Judge at Ariyalur to consider and allow the witness for enquiry as mentioned in the I.A.No.2 of 2023 in O.S.No. 96 of 2021.

For Petitioner : Mr. N. Gnanpranavan



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ORDER

This petition is filed to set aside I.A.No. 2 of 2023 order dated 15.06.2023 and direct the Additional District Munsif Judge at Ariyalur to consider and allow the witness for enquiry as mentioned in the I.A.No.2 of 2023 in O.S.No. 96 of 2021.

2. The case of the petitioner is that the subject property is an ancestral property and there was dispute between the petitioners and the respondents with regard to demarcation and partition in the subject property. Due to which the respondent herein filed the suit in O.S.No. 96 of 2021 and when the same was pending the petitioners herein filed I.A.No.2 of 2023 in O.S.No. 96 of 2021 under Order 16 Rule 1 to mark the evidence from the District Registrar, Sub-Registrar, Tashildar, Ramadoss Document Writer and two other persons who have signed in the documents as witness and the same was dismissed vide order dated 15.06.2023. Hence, this petition.

3. The learned counsel for the petitioner submitted that the respondents herein created forged documents and attempting to grab the



properties belonging to them. Further more they have manipulated the revenue records with the help of revenue officials. Hence in order to find out the discrepancies in the documents it is just and necessary to examine the above mentioned persons as witness. However, the trial Judge without appreciating the facts of the case, has mechanically dismissed the petition. Hence, he prays to allow this petition.

4. On going through the impugned order it is seen that the learned Judge has observed that the petitioners has already filed a petition before the District Registrar, Ariyalur to cancel the alleged documents and order was also passed in the said petition on 29.03.2019. Against which the petitioners have preferred an appeal before the Regional Deputy Registrar in Na.Ka.No.2713/E1/2021 and order was also passed in the appeal on 17.12.2022. It is pertinent to note that the said facts have not been disclosed by the petitioners either in the I.A or in the present Civil Revision Petition, which strengthens the case of the respondent. The said finding in the considered view of this Court cannot be brushed aside easily. Therefore, there is no necessity to interfere with the impugned order passed by the Court below.



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5. In view of the above, the order passed by the Additional District Munsif Judge at Ariyalur in I.A.No. 2 of 2023 on 15.06.2023 is confirmed. Accordingly this Civil Revision Petition is dismissed. No order as to costs.

05.09.2023

smn

Index : Yes/No

Internet: Yes/No

To.

The District Munsif Judge at Ariyalur



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V.BHAVANI SUBBAROYAN,J.
Smn

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