



C.R.P.No.3779 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 02.11.2023

CORAM:

**THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI**

C.R.P.No. 3779 of 2023

and

C.M.P.No.23488 of 2023

1.V. Sivananthan

2.V. Nagaraj

.. Petitioner

Vs

K. Venkatesan

.. Respondent

**PRAYER:** Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 07.08.2023 made in I.A.No.03 of 2022 in O.S.No.38 of 2021 on the file of the District Munsif cum Judicial Magistrate No.1, Hosur.

For Petitioners : Mr. C. Prabakaran

**ORDER**

This Civil Revision Petition is filed challenging the impugned order passed in I.A.No.3 of 2022 in O.S.No.38 of 2021 on the file of the



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District Munsif cum Judicial Magistrate No.1, Hosur, the defendants 1 and 2 filed this revision.

2. Before the trial Court, the defendants 1 and 2 / petitioners herein filed I.A.No.3 of 2022 to reject the plaint in O.S.No.38 of 2021 stating that the plaintiff / respondent herein has fraudantly obtained the sale deed in order to get a compensation amount arising out of the land acquisition. Due to the pendency of the suit, they are also unable to get the legitimate share.

3. Considering both the submissions, the trial Judge dismissed the application holding that the allegation of 'fraud' can be proved only at the time of the trial. Accordingly, the same was dismissed.

4. Challenging the same, this revision has been filed.

5. Admittedly, the defendants 1 and 2 / petitioners herein prayed to reject the plaint stating that the legal heir certificate was fraudantly obtained by the plaintiff / respondent herein within the averments of the plaint, it



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cannot be decided. To prove the 'fraud', the Court needs evidence. The trial Judge rightly observed, which needs no interference. However, on seeing the fact that because of pendency of the suit, the defendants not able to get a compensation if they are legally entitled. The defendants are more than 55 years old, therefore, the trial Judge is directed to complete the trial within three months from the date of receipt of copy of this order.

6. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**02.11.2023**

Index :Yes/No  
Neutral Citation :Yes/No  
AT

To  
The District Munsif cum Judicial Magistrate No.1, Hosur.



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**T.V.THAMILSELVI, J.**

AT

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