



WEB COPY

C.R.P.(PD)No.371



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

**C.R.P.(PD)No.3718 of 2017
and C.M.P.No.17249 of 2017**

K.M.Ramaswamy

... Petitioner

Vs.

1.Saradamma (died)
2.D.Suresh
3.M.Lokesh
4.M.Kongu Veerappa

5.The Sub Registrar
Sathyamangalam Sub Registrar Office
Sathyamangalam.

6.Mathalambika

... Respondents

(6th respondent brought on record as legal heir
of the deceased 1st respondent vide order of
this Court dated 25.07.2023 made in C.M.P.
No.16415 of 2023)

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India
against the fair and decretal order dated 04.09.2017 made in I.A.No.494 of 2017 in
O.S.No.5 of 2015 on the file of the Sub Court, Sathyamangalam.



For Petitioner : Mr.B.Harikrishnan
For R4 : Mr.M.Roshan Atiq
For RR2 to 5 : No appearance

ORDER

The revision challenges an order dated 04.09.2017 passed under Order XIII Rule 10 of C.P.C.

2. The civil revision petitioner is the plaintiff and the respondents are the defendants. The suit in O.S.No.5 of 2015 had been filed for declaration that the settlement deed executed by the 1st defendant in favour of the defendants 3 & 4 is null and void and consequently, for specific performance of a contract of sale that had been entered into between the plaintiff and defendants 3 & 4.

3. It is the case of the plaintiff that the signature found in the settlement deed was not of the 1st defendant and therefore, the document is void. Previously, he has taken out an application in I.A.No.114 of 2017 to compare the signature under Section 45 read with 73 of the Evidence Act. The Court below was not convinced. The said application was dismissed.

4. Mr.B.Hari Krishnan, learned counsel for the petitioner submits that the order in the said application has become final. However, he would state that in order to prove his case, these documents are essential.



5. In case, the petitioner feels that the said documents are essential to his case, it is always open to him to apply a certified copy and mark the same. To summon the records especially in unconnected suits, is not going to be of any use or does it satisfy the conditions precedent under Order XIII Rule 10 of C.P.C.

6. In the result, the Civil Revision Petition stands dismissed confirming the order of the learned Subordinate Judge, Sathyamangalam, dated 04.09.2017 in I.A.No.494 of 2017 in O.S.No.5 of 2015. No costs. Consequently, connected Miscellaneous Petition is closed.

25.07.2023
(2/2)

Index:Yes/No
Speaking Order :Yes/No
Neutral Citation:Yes/No

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To
The Subordinate Judge, Sathyamangalam.



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V.LAKSHMINARAYANAN,J.

Kj

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(2/2)