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C.R.P.No.4790 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4790 of 2023

A.Nataraj

... Petitioner

-Vs-

G.Kumaravel

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to issue a direction directing the District Munsif Court, Tiruppur to number the Interlocutory Application in C.F.R.No. 3341 of 2023 dated 09.06.2023 filed in O.S.No.101 of 2022 on the file of District Munsif Court, Tiruppur instead of returning the Interlocutry Application on various dates viz., 07.08.2022 and 16.10.2023.

For Petitioner : Mr.G.Gopal

ORDER

Challenging the impugned return made by the trial judge in the interlocutory application in C.F.R No. 3341 of 2023 in O.S.No.101 of



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2022, passed by the learned District Munsif, Tiruppur, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondent is dispensed with.

3. Before the trial court, the Revision Petitioner/plaintiff filed an application under Sec.340 Cr.P.C. stating that the plaintiff had created a fabricated document of memorandum of understanding and he has also obtained information through R.T.I. stating that the stamp paper was not purchased by him and it was purchased by one Krishnakumar. Therefore, he wanted to conduct preliminary enquiry under Sec.340 of Cr.P.C. and that application was returned by the trial judge stating about maintainability. Aggrieved over the same, the Revision Petitioner/plaintiff preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that as per the R.T.I. Information, the stamp paper was not purchased by the plaintiff and it was purchased in the name of one Krishnakumar. So, the alleged document was fabricated for unlawful gain after swindling the property. Hence, he prayed to set aside the findings of trial judge and prayed to number the application.



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5. Admittedly, the respondent/defendant purchased the property as per his submissions in the year of 2022, but the claim of plaintiff is that he enjoyed the property, but the defendant along with one Krishnakumar caused interference. Hence, he filed the suit. Now, the trial was begun. If at all, any document is fabricated, he is entitled to prove the same through proper evidence. Therefore, the application as such is not acceptable at this stage. So, I do not find any irregularity in the order passed by the trial judge in the Interlocutory Application in CFR No. 3341 of 2023. Accordingly, this Civil Revision Petition is dismissed. However, liberty is granted to the respondent/defendant to raise all the objections before the trial court. Now, the case is at the stage of P.W.1 evidence, the trial judge is directed to complete the trial and dispose the case within a period of four months from the date of receipt of copy of this order. No costs.

20.12.2023

Index : Yes/No

Speaking Order : Yes/No

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To

The District Munsif Court, Tiruppur.



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T.V.THAMILSELVI, J.

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