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C.R.P.No.4926 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM:

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

C.R.P.No.4926 of 2023 &
C.M.P.No.28984 of 2023

1.S.Subramanian
2.Danraj
3.A.K.Natarajan
4.Selvamani
5.Nallathambi

... Petitioners

Vs.

1.Krishnan
2.Kesavan
3.Madhavan
4.Govindan
5.Balakrishnan
6.Sreepathi
7.Hari Rao

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decreetal order dated 02.12.2023 made in I.A.No.576 of 2023 in O.S.No.3 of 2019 on the file of the learned Third Additional District Court, Kallakurichi.

For Petitioners : Mr.N.Manoharan



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ORDER

This civil revision petition has been filed to set aside the order dated 02.12.2023 made in I.A.No.576 of 2023 in O.S.No.3 of 2019 on the file of the learned Third Additional District Court, Kallakurichi.

2. Originally the respondents 1 to 4 filed O.S.No.3 of 2019 against the respondents 5 to 7 and the petitioners 1 to 5 for a decree to declare that the sale deed dated 13.05.2010 with regard to the suit properties by the respondents 5 to 7 in favour of the respondents 1 to 4 is null and void and for grant of injunction restraining the petitioners from interfering with the possession of the respondents 1 to 4 and enjoyment of the suit properties. Pending the suit, the defendants 4 to 8/the petitioners herein filed I.A.No.576 of 2023 to examine the District Registrar, Kallakurichi on their side. The trial court dismissed the application stating that this application has been filed only to drag on the proceedings.

3. Learned counsel for the petitioners would submit that to substantiate



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the case of the petitioners that they purchased the suit schedule properties, it is essential to examine the District Registrar, Kallakurichi.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On going through the records, this court is of the view that the findings of the trial court has to be set aside. Accordingly, I.A.No.576 of 2023 is allowed and the trial court is directed to dispose of the suit within a period of two weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.12.2023

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Index : Yes/No

Speaking order/Non-speaking order

Neutral Citations : Yes/No



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To

1.The Third Additional District Court, Kallakurichi.



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T.V.THAMILSELVI,J.

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