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CRP.No.2102 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.2102 of 2020
and
CMP.No.13268 of 2020

Ruckmani (Died)

Lalithamani (LRs of the deceased Ruckmani)

... Petitioner

Vs.

1.Bagyam
2.Velumani
3.S.Balasundaram
4.S.Narayanasamy
5.S.Devadas
6.D.Chandra
7.Vijayam Dhamodarasamy
8.P.Kumuthavalli
9.D.Sundar Raj
10.D.Dhanaraj
11.K.C.Mouli Chandar

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 02.08.2019 made in I.A.No.302/2018 in O.S.No.572 of 2010 on the file of the III Additional Subordinate Court, Coimbatore.



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For Petitioner : Mr.K.Venkatasubban
for M/s.Sarvabhauman Associates

For Respondents : Mr.V.Vijayakumar
for M/s.Udaya P.S.Menon
for R1 to R4, R6 t R8, R10 & R11
R5 & R9 – Died

ORDER

This Revision petition is filed challenging the order passed by the Court below dismissing the application filed by the petitioner/first defendant to summon the Joint Sub-Registrar No.III, District Registrar Coimbatore, District Registrar Office, Coimbatore, to produce copy of sale deed dated 15.08.1931 executed by Narayanasamy Naidu in favour of Thiruvenkatasamy Naidu with authenticated copy of the same and give evidence.

2. The respondents herein filed a suit for partition against the petitioner and others. The suit was resisted by the petitioner on the ground that the suit property was jointly purchased by Narayanasamy Naidu and Thiruvenkatasamy Naidu as early as 1931. Narayanasamy Naidu conveyed his share in the property in favour of Thiruvenkatasamy Naidu and from the



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date of such transfer the property had been in possession and enjoyment of Thiruvenkatasamy Naidu. It was further claimed by him that Thriuvenkatasamy Naidu gifted the same to the respondents 1 & 2, who were his legal representatives. Pending suit, the application has been filed by the petitioner/first defendant for summoning the Sub-Registrar to produce a copy of the above said sale deed executed by Narayanasamy Naidu in favour of Thiruvenkatasamy Naidu. It is an admitted fact that the sale deed relied on by the petitioner is a registered document. Hence, it is always open to the petitioner to obtain a certified copy of the same and produce it before the Court. Instead of following such procedure, it is not open to the petitioner to seek summoning of the Sub-Registrar to produce the sale deed relied on by her.

3. The trial Court rightly dismissed the said application by pointing out that the petitioner herein can obtain a certified copy of the sale deed and produce it before the Court. It is also observed by the trial Court that execution of the sale deed is not in dispute and the only question is whether the property was sold by Narayanasamy Naidu exceeding his share without



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any legal necessity. The said plea raised by the plaintiff can be gone into at the time of trial.

4. In these circumstances, I do not find any irregularity or illegality in the order passed by the Court below and accordingly this Civil Revision Petition is dismissed. In view of the fact the suit for partition is of the year 2010, the Court below is directed to dispose of the same as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petition is closed.

04.01.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation Case : Yes/No
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The III Additional Subordinate Court, Coimbatore.



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