



C.R.P(MD).No.709 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.709 of 2024

and

C.M.P(MD)no.3788 of 2024

Sathya

... Revision Petitioner / Plaintiff

Vs

Mahindra Mani

... Respondent / Defendant

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.642 of 2023 in O.S.No.307 of 2017 on the file of the Principal Subordinate Court, Kumbakonam, dated 29.01.2024, by allowing this Civil Revision Petition.

For Petitioner : Mr.S.Sankar



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ORDER

This Civil Revision Petition is filed to set aside the fair and decreetal order passed in I.A.No.642 of 2023 in O.S.No.307 of 2017 on the file of the Principal Subordinate Court, Kumbakonam, dated 29.01.2024, by allowing this Civil Revision Petition.

2. The revision petitioner herein has filed a suit in O.S.No.307 of 2017 before the Principal Subordinate Court, Kumbakonam, for the relief of specific performance against the defendant for due performance of his part in executing the sale deed in her name. Pending the suit, the petitioner herein has filed an I.A.No.642 of 2023, seeking examination of two official witnesses, since the petitioner is disputing particular document issued by the officials. To prove the character of the respondent only, he filed the application. That petition came to be dismissed by the trial Court stating that absolutely there is no necessity for examining official witnesses.



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3. This Court also finds nothing wrong in the order dated 29.01.2024 passed in I.A.No.642 of 2023 in O.S.No.307 of 2017 by the learned Principal Subordinate Judge, Kumbakonam. However, Liberty is granted to the petitioner to produce the certificate copy of the document which according to him, is a fraudulent document, created by the respondent. He can lead the evidence on that aspect.

4. With the above liberty, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

27.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

1.The Principal Subordinate Judge, Kumbakonam.

2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN, J.

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ORDER
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