



C.R.P. (MD) Nos. 1428 and 1429 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2024

CORAM

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

C.R.P. (MD) Nos. 1428 and 1429 of 2024
and
C.M.P. (MD) Nos.8473 and 8474 of 2024

K.Sadhasivam

... Revision Petitioner/

Plaintiff

(in both Revision Petitions)

-VS-

1.P.Balamurugan
2.The Sub-Registrar,
Vedasanthur, Dindigul District.

... Respondents /
Defendants

(in both Revision Petitions)

COMMON PRAYER: Civil Revision Petition filed under Article 225 of the Constitution of India, to set aside the fair and decreetal order dated 05.03.2024 in I.A.Nos.10 and 11 of 2024 in O.S.No.82 of 2022 on the file of the Additional District Judge, Dindigul.

For Petitioner : Mr.M.Mohamed Sherbudeen
(Both Revision Petitions)

For Respondent : Mr.S.S.Harish
(Both Revision Petitions)



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COMMON ORDER

These Civil Revision Petitions are filed against the order in I.A.Nos.10 of 2024 and 11 of 2024, in O.S.82 of 2022 on the file of the learned Additional District Judge, Dindigul. In the said interlocutory application, the prayer of the petitioner was to reopen the evidence and to issue summons to the second defendant/Sub-Registrar calling upon him to adduce evidence. The said application is dismissed by the Trial Court with the costs of Rs.1000/-. Aggrieved by the same, the present civil revision petition is filed.

2. The learned counsel for the petitioner would submit that when the petitioner has given reasons and even though the Sub-Registrar is the second defendant, he being set *ex parte* and being an official respondent, when according to the petitioner, his evidence is necessary for the disposal of the suit, the Trial Court should have granted one opportunity. The petition is not filed to drag on the proceedings and the petitioner would stick to any schedule which may be fixed by this Court.

3. I have considered the said submissions made by the learned Counsel for the petitioner and perused the material records of the case.



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4. On a perusal of the case of the petitioner herein, who is the plaintiff before the lower Court, it is his case that when a particular amount was agreed upon as consideration, only meager amount was paid and the rest of the amount of consideration was paid by cheque. However, the defendants thereafter contacted him and requested him not to present the cheque and promised that they will pay by cash. Subsequently, they have not honored their promise and therefore, he has filed the present suit. Given the backdrop of the said averments in the plaint, the evidence of the Sub-Registrar can in no manner be relevant. That apart, it is only the plaintiff, who has added the Sub-Register as the second defendant. In view of the above, no exception whatsoever can be taken to the findings of the Trial Court. Therefore, finding no merits, these Civil Revision Petitions are dismissed confirming the order of the Trial Court. However, as per the request of the learned Counsel for the petitioner, and since the learner Counsel for the respondent is also present upon entering a caveat, the costs ordered by the lower court alone is made easy. Consequently, the connected Miscellaneous Petitions are closed.

04.07.2024

Index : Yes
NCC : No
PKN



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D.BHARATHA CHAKRAVARTHY, J.

PKN

To

The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.

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