



C.R.P. (PD)(MD).No.1365 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(PD)(MD)No.1365 of 2024

and

C.M.P(MD) No.8004 of 2024

S.Selvaraj

... Petitioner/
Petitioner/Plaintiff

-vs-

1. M.Muthulakshmi
2. T.Muniasamy
3. T.Ramakrishnan
4. R.Panchavarnam
5. K.Jeyalakshmi
6. P.Alagammal
7. T.Kanniyammal
8. M.Thangamaari
9. The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai District – 625 002.



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10. The Assistant Commissioner,
Madurai Corporation 3rd Region,
Navarathinapuram,
New Ramanathapuram Road,
Madurai District – 625 009.

... Respondents/
Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, against the fair and decreetal order passed in I.A.No.597 of 2023 in O.S.No.673 of 2020, on the file of the II Additional Sub Court, Madurai, dated 2012.2023.

For Petitioner : Mr.R.Balakrishnan

ORDER

The present Civil Revision Petition has been filed by the plaintiff in a suit for declaration of title and permanent injunction, challenging the order wherein, the trial Court has partly allowed the application for reception of documents under Order 7 Rule 14 of C.P.C.

2. Pending suit, the plaintiff had filed the above said application in I.A.No.597 of 2023 to receive two documents, namely, an unregistered mortgage deed, dated 26.11.2007 and an order issued by the Madurai



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Corporation for water connection. The trial Court has partly allowed the application permitting the petitioner to file the water connection order issued by the Corporation but, rejected the unregistered mortgage deed dated 26.11.2007. Challenging the same, the present Civil Revision Petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, the document would establish that the possession was not handed over to the defendants and the plaintiff continues in the possession of the property. I am not inclined to accept the contention in view of the fact that it is an unregistered mortgage deed and it is not admissible in evidence.

4. Considering the fact that the suit is for declaration of title and permanent injunction, the said unregistered document cannot be relied upon even for collateral purposes. In these circumstances, there is no error in the order passed by the trial Court.



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5. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

27.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The II Additional Sub Court,
Madurai.
2. The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai District – 625 002.
3. The Assistant Commissioner,
Madurai Corporation 3rd Region,
Navarathinapuram,
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R.VIJAYAKUMAR,J.

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