



C.R.P.(MD)No.2220 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.2220 of 2024

and

C.M.P.(MD)No.12570 of 2024

1. Vijayakumari

2. Murugaraj

... Petitioners / Petitioners / Defendants

Vs.

Manickavasagam,
Rep. by his Power Agent,
Sethuraman.

... Respondent / Respondent / Plaintiff

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.327A/2017 in O.S.No.62/2012 dated 13.10.2022 on the file of the Additional District Munsif Court, Kumbakonam.

For Petitioners : Mr.M.R.S.Prabhu

* * *

ORDER

Heard the learned counsel for the revision petitioners.



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2.The revision petitioners are the defendants in O.S.No.62 of 2012 on the file of the Additional District Munsif Court, Kumbakonam. The suit is for declaration and permanent injunction. In the said suit, the revision petitioners filed I.A.No.327A of 2017 for rejection of Ex.A4 marked by the plaintiff. The said I.A. was dismissed vide order dated 13.10.2022. Questioning the same, this civil revision petition came to be filed.

3.The learned counsel for the revision petitioners reiterated all the contentions set out in the memorandum of grounds of revision petition.

4.I am not swayed by the said submissions. The learned counsel for the revision petitioners would claim that the plaintiff has projected two versions of document. One was marked as Ex.A4 before the Court below while a different version was filed before the jurisdictional Tashildar at the time of patta transfer. He also submitted that the defendants have filed a “send for” petition before the Court below.

5.I wanted to know whether this ground was taken before the Court below in the affidavit filed in support of I.A.No.327A of 2017. The answer is



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in the negative. Therefore, I am not in a position to consider the said submission.

6.The learned counsel for the revision petitioners thereafter argued that a careful reading of Ex.A4 would indicate that partition was effected on the strength of the said document and that therefore, it was compulsorily registrable and non-registration cannot be cured.

7.This argument can very well be canvassed by the revision petitioners at the time of final hearing.

8.Leaving open all the contentions of the revision petitioners, this civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2024

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

The Additional District Munsif Court,
Kumbakonam.



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G.R.SWAMINATHAN, J.

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