



C.R.P.(MD)Nos.2117 to 2119 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05/03/2024

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

C.R.P(MD)Nos.2117 to 2119 of 2023

and

CMP(MD)Nos.10644 to 10646 of 2023

Guneswaran

Rep. by his Power Agent

Balakrishnan

: Revision Petitioner/
Respondent/Defendant

Vs.

A.Selvam

: Respondent/Petitioner/
Plaintiff

COMMON PRAYER:- Civil Revision Petitions have been filed under Article 227 of the Constitution of India, to call for the records relating to the impugned fair and decreetal order, dated 13/06/2023 made in IA Nos.3 to 5 of 2023 in OS No.156 of 2014 on the file of the District Munsif Court, Pattukottai and set aside the same.

For Petitioner : Mr.B.Prasanna Vinoth
(in all cases)

For Respondent : Mr.N.Balakrishnan
(in all cases)

COMMON ORDER

These civil revision petitions have been filed seeking to set aside the fair and decreetal order passed in IA Nos.3 to 5 of 2023 in OS No.156 of 2014 by the District Munsif, Pattukottai.



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2. The facts in brief:-

The suit in OS No.156 of 2014 was filed by the respondent herein as plaintiff seeking the relief of declaration, for permanent injunction and for costs. The defendant appeared, filed the written statement. Pending further process, IA Nos.3 to 5 of 2023 were taken out by the plaintiff with the following averments:-

"The evidence on the side of the petitioner was closed, on 05/07/2022; Now posted for cross examination of the further witnesses on the side of the defendant; To prove that the Will mentioned by the defendant is created, he wants to mark the document, that has been produced by the defendant during RDO enquiry."

3.That was resisted by the defendant stating that the original survey number is corrected by the plaintiff and produced the same. More over, the above said document is not pleaded in the pleadings.

4.On hearing both sides, the trial court allowed all the petitions.

5.Against which, these civil revision petitioners are preferred.



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6.Heard both sides.

7.The learned counsel appearing for the petitioner would submit that it is not a case of the respondent that the Will, dated 18/07/2003 has been corrected, in the plaint pleadings. Without pleadings, no amount of evidence can be let in.

8.Per contra, the learned counsel appearing for the respondent would submit that to show that the disputed Will is corrected with reference to the survey number, he want to mark that Will, which was obtained through the Right to Information Act from the concerned Revenue Divisional Officer, before whom the patta proceedings were undertaken.

9.When there is an allegation to the effect that the defendant has corrected the survey number in the disputed document, the truth must be brought on record by proper evidence. So without going into other aspects, all the petitions were allowed by the trial court. The ground on which, no pleading was made by the plaintiff in the plaint is completely out of place and cannot be taken into account at all. Because, as mentioned in the petitions, the above said fact of correction in the



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document, dated 18/07/2003 has been brought to the notice of this petitioner, only when he obtained the copy through the Right to Information Act. So, this cannot be expected to be pleaded in the plaint itself. Because petitioner procured all the documents the same before the concerned authorities. So he has to explain the correctness of the contents.

10.So, I find absolutely no irregularity or illegality committed by the trial court in allowing the petitions.

11.In the result, all the civil revisions are **dismissed**. No costs. Consequently connected Miscellaneous Petitions are closed.

05/03/2024

Index:Yes/No
Internet:Yes/No
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To,

1.The District Munsif,
Pattukottai.

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



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G.ILANGOVAN, J

er

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