



C.R.P(MD)No.2189 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)No.2189 of 2024
and
C.M.P(MD)No.12442 of 2024

Ramalakshmi

... Petitioner /
Petitioner /
Plaintiff

Vs.

1.Virudhunagar Viswakarma
Five Class Mahajana Sangam,
Through its Secretary,
S/o.Solaiyappan,
Door No.68,
West Pandian Colony,
Bypass Road,
Virudhunagar.

2.Marimuthu

3.The Joint Sub Registrar,
No.II, Joint Sub Registrar Office,
Madurai Road,
Virudhunagar.



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4.The District Registrar,
District Registrar Office,
Madurai Road,
Virudhunagar.

... Respondents /
Respondents /
Defendants

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in I.A.No.05 of 2024 in O.S.No.01 of 2018, on the file of the Additional District Court, Virudhunagar dated 23.07.2024 by allowing this Civil Revision Petition.

For Petitioner : Ms.P.Jessi Jeeva Priya

ORDER

Heard the learned counsel appearing for the revision petitioner.

2.The revision petitioner is the plaintiff in O.S.No.1 of 2018 on the file of Additional District Judge, Virudhunagar. The suit was filed for declaration in respect of the suit properties and for obtaining declaration that Document No.107 of 2005 executed by the first defendant in favour of the second defendant is null and void. The said document is the lease deed.



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3.The petitioner filed I.A.No.5 of 2024 to summon the joint Sub Registrar No.II, Virudhunagar and Secretary of Pavali Village Panchayat. The Court below vide order dated 23.07.2024 dismissed the IA. Challenging the same, this Civil Revision Petition came to be filed.

4.The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of Civil Revision Petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

5.I am not swayed by the submissions of the learned counsel for the revision petitioner. Paragraphs 8 and 9 of the impugned order read as follows:

“8. This court has perused the records available in this case. Already the alleged document number 107/2005 is marked as Ex.A6. Now, on the basis of the pleading and evidence, the question of title has to be decided and then this court has to decide whether the 1st defendant who executed the document in favour of the 2nd defendant is having right to execute the document.



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Those points have to be decided on the basis of the evidence and the evidence of Registrar who registered the document as to how it was registered is not material in this case. Since, the document itself has already been marked as Ex.A6, there is no need to examine the Joint Sub-Registrar No.II, Virudhunagar as witness in this case.

9. Then, it is prayed in this petition to examine the Panchayat Secretary to prove in whose name is assessment stands. Ex.A12 is the tax receipt for the buildings in the suit properties. Ex.A10 is the proceedings of the panchayat for construction of buildings in the suit properties. So, the document relating to the approval for construction of buildings and the approved plan (Ex.A11) and the tax receipt were already been marked and so, to prove that documents summoning the Secretary of the Pavali Panchayat also not necessary. This petition is filed only to delay the proceedings. Hence, this petition has to be dismissed.”

The reasons given by the Court below are sound. Interference is not warranted in exercise of jurisdiction under Article 227 of the Constitution of India.



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6.This Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Additional District Court,
Virudhunagar.



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G.R.SWAMINATHAN, J.

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