



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:09.07.2025

Pronounced on:28.07.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. PD. No.403 of 2023
and CMP. No.3397 of 2023**

1.Savithri Devi Innani
D/o.Sathyanarayan Mundra

2.Sri Vijay Narsing Innani,
S/o.Brij Gopal Innani

Petitioner(s)

Vs

M/s.Pavai Constructions,
Rep. By its Managing Partner,
Smt. Mangayarkarasi.

Respondent(s)

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and Decreetal order dated 22.04.2022 passed in I.A. No.2 of 2021 in O.S. No.62 of 2012 on the file of the learned III Additional District Court, Salem.

For Petitioners : Mr.N.Suresh,
Mr.T.R.Rajaraman
For Respondent : Mr.A.Thiyagarajan,
Senior Counsel for
Mrs.A.Vinupradha



ORDER

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The revision has been filed challenging dismissal of IA.No.2 of 2021 in OS.No.62 of 2012 on the file of the learned III Additional District Judge, Salem.

2. I have heard Mr.N.Suresh for Mr.T.R.Rajaraman, learned counsel for the revision petitioner and Dr.A.Thiyagarajan learned Senior Counsel for Mrs.A.Vinupradha, learned counsel for the respondent.

3. The learned counsel for the petitioner, Mr.N.Suresh would state that in a suit for specific performance, the plaintiff has alleged that there has been an extension of time by way of an endorsement in the original sale agreement and based on the same, the suit has been instituted. It is the contention of Mr.N.Suresh, that the original sale agreement has been admittedly filed by the plaintiff along with the suit. The petitioner had denied the signature in the endorsement and for the purposes of comparison, the petitioner had taken out I.A.No.549 of 2012 for sending the disputed signature to the Forensic Department to be compared with the admitted signature. However, despite the said Application being allowed, in view of the original sale agreement going missing, the



petitioner was handicapped and could not avail of the indulgence shown by the Court to have the disputed signature compared with an admitted signature. Therefore the petitioner has filed an Application in IA.No.2 of 2021 to direct a complaint to be lodged before the police for investigation under Section 340 of Cr.P.C.

4. The learned counsel would further state that after obtaining a certified copy of the sale agreement with the endorsement dated 15.01.2011, it was found that the third sheet which contained the fabricated endorsement was not the original, but only a colour photostat copy. According to the learned counsel, the said mischief is a serious offence and this Court has to rightly interfere under Article 227 of the Constitution of India and direct action against the persons concerned. He would therefore pray for the order of the Trial Court dismissing the Application I.A. No.2 of 2021 in O.S. No.62 of 2012 to be set aside.

5. Per contra, Dr.A.Thiyagarajan, learned Senior Counsel for the respondents would state that the suit has been pending from 2012 onwards and parties have also let in evidence and plaintiff is suffering for the last 13 years without any relief. He would further state that the



Application filed under Section 340 of Cr.P.C is itself not maintainable and only, if the Trial Court comes to a finding after evidence is recorded

that any action can be initiated under Section 340 of Cr.P.C. Therefore, his contention is that the Application itself is premature. He would in any event contend that the order passed in an Application under Section 340 of Cr.P.C is appealable under Section 341 of Cr.P.C and there is an express bar of revision and therefore, he would contend that this Civil Revision Petition is not maintainable and liable to be dismissed.

6. I have carefully considered the submissions advanced by the learned counsel on either side.

7. In fact, this Court had called for a report from the learned III Additional District Judge, Salem by report dated 16.03.2021 in ROC No. 5796/2020/Inq, the learned III Additional District Judge has stated that disciplinary proceedings were initiated against former Assistant, Mr.T.Ratnavel who was attached to the III Additional District Court, Salem for the missing of the original sale agreement. It is also seen from the report that after giving a fair opportunity to the delinquent, the original sale agreement was sent to the Principal District Judge, Salem



along with the letter of the defendant's manager and the said sale agreement was ordered to be kept in safe custody by the Principal District Judge, Salem. However, during inquiry it was found that the defendants have no manager as set out in the letter and the complaint was found to be false and devoid of merits and the complaint against the translator of the Court, one Mr.A.Arumugam, was dismissed accepting his explanation. Thereafter, the original sale agreement has been sent to the III Additional District Court, Salem to be restored to the bundle.

8. As regards the third page being replaced with the certified copy, the learned Principal District Judge, Salem on inquiry, not satisfied with the explanation offered by the delinquent has framed charges under Section 17B of the Tamil Nadu Civil Services D&A Rules. The learned I Additional District Judge, Salem was appointed as inquiry officer who conducted an inquiry and held that charges against the delinquent were proved. Further explanation was submitted by the delinquent and witnesses have also been examined and documents were marked in the inquiry proceedings. The delinquent has in fact blamed the translator, Arumugam for the mischief, viz., missing of the original sale agreement from the bundle.



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9. However, the inquiry officer has disbelieved the version of the delinquent and finding that he was working as an Assistant in the III Additional District Court, Salem at the relevant point of time and the bundle going missing was his responsibility and ultimately the Disciplinary Authority proceeded to punish the delinquent for acts of omission and commission and lapse of duties to maintain bundle and for not informing higher authorities in time about missing of the sale agreement.

10. Award was passed and punishment under Rule 8(iii) of the Tamil Nadu Civil Services Discipline and Appeal Rules, by withholding one increment for a period of two years without cumulative effect in reference to Rule 8 (iii) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was also inflicted.

11. In the light of the above, I find that detailed inquiries have already been conducted and the initial complaint against the translator, Arumugam was found to be false and the same came to be dismissed. Thereafter, the complaint against the Bench Clerk, T.Rathinavel was taken up and after full-fledged inquiry, Disciplinary Authority has



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awarded punishment. I do not find any specific case of the revision petitioner, pinpointing to any particular person to have committed the mischief by taking away the original sale agreement or replacing the third page which contained endorsement regarding extension of time with a Photostat copy in order to deprive the petitioner of an opportunity to have the disputed signatures compared with the admitted signatures.

12. The Trial Court has dismissed the Application on the ground that the disciplinary proceedings have been initiated against the staff concerned and the petitioners cannot seek for further investigation to find out who the actual offender is, especially when the petitioners themselves have stated that they are taking separate steps for prosecuting the plaintiff for the offences committed by the plaintiff. The Trial Court has therefore held that no necessity arises to direct the Chief Ministerial Officer of the Court to lodge a complaint before the police as prayed for by the revision petitioners. The Trial Court has also found that the petitioners having come to know of the fact that the third page of the document was replaced even in 2016, have chosen to remain silent for 5 years and there is no explanation for the delay and that the attempt is only to drag the proceedings and there is no necessity for orders to be passed under



Section 340 of the Criminal Procedure Code.

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13. No doubt it is contended by Mr. N.Suresh learned counsel for the petitioners that the petitioners have not been responsible for the delay, as the bundle was being shuttled between various Courts and no fault could be found on the part of the petitioners. Having succeeded in an Application I.A.No.549 of 2012 to send the sale agreement to forensic lab and admittedly, the petitioners also having obtained a certified copy of the same as early as in 2016, nothing prevented the petitioner to have taken out the Application then and there. The Disciplinary Proceedings were independent of the rights available to the revision petitioners.

14. As rightly contended by Dr.A.Thiyagarajan learned Senior Counsel for the respondents, at the fag end of the trial, the petitioners have come forward with the present Application and it appears that the attempt is only to drag the proceedings. Any order in the application in any event as rightly contended by the learned Senior Counsel is appealable and therefore, the revision itself is also not maintainable.

15. Though Mr.N.Suresh learned counsel for the petitioner



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contends that, this Court cannot turn a blind eye when such serious allegations of the original document being tampered with, is brought to the notice of the Court, I am exercising power under Article 227 of the Constitution of India and this court cannot delve deep into such matters of factual dispute especially when multiple rounds of domestic enquiry and disciplinary proceedings have been conducted already. In any event, the petitioners having succeeded in an Application in IA.No. 549 of 2012 to have his signatures compared should have diligently prosecuted the remedies, by follow-up action without any delay.

16. In view of the above, I do not find any merit in the present Civil Revision Petition and the Trial Court has also rightly dismissed the Application, warranting no interference in the revision. Accordingly, this Civil Revision Petition is dismissed. Connected Miscellaneous Petition is also dismissed. No costs.

28.07.2025

rkp
Index : Yes / No
Internet : Yes / No
To:
The III Additional District Judge,
Salem.

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P.B.BALAJI, J.,

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Pre-delivery order in
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