



C.R.P.PD.No.1645, 1648, 1653 and 1672 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 22.04.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.PD.No.1645, 1648, 1653 and 1672 of 2025

T.D.Ravindran

...Petitioners in all C.R.Ps

VS

- 1) T.K.Devanatha Reddiar
 - 2) N.Gowri,
 - 3) D.Muthunarayanan,
 - 4) C.Lalitha,
 - 5) R.Amarajothi,
 - 6) M.Revathi,
 - 7) Priyadarshini,
 - 8) Preethika,
 - 9) Karunanandham,
- (Respondents 2, 4 to 8 are not necessary parties to this revision petition)

...Respondents in all C.R.Ps

Prayer in all C.R.Ps: Civil Revision Petitions filed under Article 227 of the Constitution of India praying to allow the revision petition and set aside the order 12.03.2025 passed in I.A.Nos.31, 32, 38 and 33 of 2025 in O.S 149 of 2018 on the file of The Additional District and Sessions Court, Cuddalore.



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For Petitioner
in all C.R.Ps

: Mr.R.Gururaj

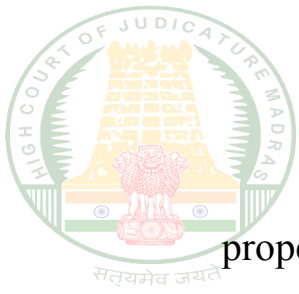
COMMON ORDER

These Civil Revision Petitions are filed to set aside the fair and final order dated 12.03.2025 passed in I.A.Nos.31, 32, 38 and 33 of 2025 in O.S 149 of 2018 on the file of The Additional District and Sessions Court, Cuddalore.

2. I.A.No.31 of 2025 is filed to open the plaintiff's side evidence. I.A.No.32 of 2025 is filed to recall P.W1 and receive the additional proof affidavit. I.A.No.33 of 2025 is filed to receive the additional documents, which are the two settlement deeds dated 28.11.2024 and I.A.No.38 of 2025 is filed for condoning the delay for filing the documents.

3. The short facts are as follows:-

(i) The suit O.S.No.149 of 2018 filed by the plaintiff seeking a partition of his 1/4th share in the suit "B" schedule property, to declare his preferential right to purchase 3/4th share in the "C" schedule



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property and the entire “B” schedule property from the 1st defendant and to direct the 1st respondent to sell the same to the plaintiff. He has also sought for injunction restraining the defendants from interfering with his peaceful possession and enjoyment of the suit “B” and “C” schedule properties.

(ii) It is his contention that the suit property are to the ancestral properties of the joint hindu family consisting of the plaintiff, 1st defendant, 3rd defendant and the deceased Muthu Purushothaman. The defendants 2, 4 and 5 are the 3 daughters of the 1st defendant and the plaintiff is the last of 3 sons. The 3rd defendant is the 2nd son. The eldest son Muthupurushothaman is no more. Defendants 6,7 and 8 are his widow and daughters.

(iii) The plaintiff would contend that the said Muthu Purushothaman wanted a division of properties as soon as he attained majority. However, at that relevant point in time, the plaintiff and the 3rd defendant were minors. Since the said Muthu Purushothaman had insisted on the partition, the 1st defendant had effected a partition under



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the registered Partition Deed dated 06.05.1970. In the partition deed,

the plaintiff and the 3rd defendant were represented by their mother.

The plaintiff's mother passed away in the year 1995. Under the Partition Deed, the 1st defendant was allotted the "A" schedule property which is described as "C" schedule in the suit. The sons were given "B" "C" and "D" schedule properties. The plaintiff had got "D" schedule property and the partition was given effect to. On behalf of the minors, their mother had taken possession of the property and on their attaining majority, they were given their respective shares.

(iv) It is the contention of the plaintiff that there is no dispute with reference to the items covered under the Partition Deed. However, he would submit that the 3rd defendant is an Auditor practising in Chennai. He is a very well off. After the death of the mother, the father of the 1st defendant had gone to Chennai and was living with the 3rd defendant. The 1st defendant would visit the plaintiff and the plaintiff and his family members would also visit the 1st defendant at regular intervals. The "B" schedule property was not included in the Partition Deed dated 06.04.1970. As long as the 1st defendant was



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healthy, he was cultivating the "B" schedule property. After he left for Chennai he had leased out the "B" schedule property to the plaintiff. Considering the relationship, the lease was oral and 1/6th of the produce was fixed as a lease amount which the plaintiff was paying regularly.

(v) After the Thane Cyclone, the "B" schedule property, which was on the coast become unfit for cultivation on account of the water becoming salty. Originally, there was a proposal to acquire the "B" schedule property, which was later dropped. From 2011, the lands remained uncultivated and continued to be in the possession of the plaintiff as lessee.

(vi) The plaintiff's contention is that the "C" schedule property was also left by the 1st defendant in the plaintiff's possession as a lessee. Unlike the "B" schedule property "C" schedule had irrigation facility and the lease amount was fixed at 1/4 of the value of the produce. He is raising paddy in the "C" schedule property and has been regular in the payment of the rents. Recently misunderstandings had cropped up



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between the plaintiff and the 3rd defendant, therefore, the 3rd defendant had instigated the 1st defendant to dispose of the suit "B" schedule properties. The 3rd defendant's intent is to dispose of the property and appropriate the sale consideration to himself.

(vii) The plaintiff would submit that he is in possession of the property as a lessee and he cannot be evicted except by due process of law. He would submit that he has a 1/4th share in the "B" schedule property and with reference to the "C" schedule property, the plaintiff would submit that he has a preferential right of purchase. Therefore, he has come forward with the suit in question.

4. The 1st defendant had filed a written statement *inter-alia* denying the allegations contained in the plaint. The 1st defendant would submit that in the 1st Partition Deed dated 06.04.1970, the property in Gundu Upalavadi Village and Kadakkadu Village were not included as also the house property in Thondamantham Village. Thereafter, the 1st defendant and his sons, decided to partition the properties which were omitted in the earlier partition and they had



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entered into a registered Partition Deed on 04.03.1996 in which the properties described as "B" and "C" schedule properties property was allotted to the share of the 1st defendant and the 1st defendant alone is in possession and enjoyment of the property. The plaintiff has cleverly suppressed this partition and the suit is a vexatious one. In the 2nd partition, the daughters were also included. The "C" schedule property was allotted to the plaintiff even in the earlier partition Deed dated 06.04.1970. Therefore, the suit is a vexatious one and deserves to be dismissed.

5. When the matter was posted for arguments, the present applications have been filed by the plaintiff. In the affidavit filed in support of these applications, he would contend that on the side of the defendants, the 1st defendant and the 9th defendant had not deposed whereas the Power Agent of the 9th defendant had deposed as D.W3. He would also submit that on the suggestion of the Court, he had met his father and had recorded the conversation that he had with his father. Pursuant to which, he had filed I.A.Nos.123, 124 and 125 of 2024 to reopen the case, to recall himself and receive the recorded statement.



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This was dismissed by order dated 27.08.2024 and C.R.P.Nos.4131, 4132 and 4133 of 2024 filed against these orders were also dismissed on 28.10.2024. The plaintiff would submit that it has been his consistent case that the 3rd defendant was influencing his father and that his father is very much fit and in a position to move around. However, the 3rd defendant is preventing him from appearing before the Court to depose. He would submit that his father was fit enough to travel to a temple and all of this has been captured in the CCTV. On 28.11.2024, the 1st defendant has obtained two settlement deeds in his favour in respect of the properties that are involved in O.S.No.129 of 2023. The plaintiff would therefore submit that these documents have to be marked for which purpose the case has to be opened for the plaintiff's side evidence and P.W1 has to be recalled. He would also make a statement that there are 5 more settlement deeds dated 19.09.2024 and 4 more documents dated 29.09.2024 in respect of which he has applied for certified copies.

6. The defendants had objected to the said applications by stating



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that they are nothing but an attempt to protract the proceedings and the documents which are sought to be marked have nothing to do with the suit property and even according to the defendants, the documents relate only to O.S.No.129 of 2023. By introducing these documents, the defendants are attempting to open another suit to be tried along with O.S.No.149 of 2018(instant case) and O.S.No.45 of 2019. The defendants would submit that the plaintiff has been filing one application after another, and that this Court by order dated 28.10.2024 had directed expeditious disposal of the suit. Therefore, they sought for dismissal of the applications.

7. A counter had been filed by the 1st defendant and the 3rd defendant independently more or less reiterating the very same contentions.

8. The learned I Additional District and Sessions Judge, Cuddalore by her order dated 12.03.2025 was pleased to dismiss the applications. A detailed order was passed in I.A.Nos.33 and 38 of 2025 and with reference to I.A.Nos.31 and 32 of 2025, the same were



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disposed of in the light of the order passed in I.A.Nos.33 and 38 of 2025. The learned Judge had taken note of the various applications that have been filed by the plaintiff for keeping the case pending and the learned Judge also observed that the documents do not relate to the property which is the subject matter of the instant case and further held that a party to the suit cannot compel the other party to adduce the evidence. Aggrieved by this, the plaintiff is before this Court.

9. Heard the learned counsel for the petitioner and perused the materials available on record.

10. It would be useful to refer to the following observations of the learned I Additional District Judge, Cuddalore District.

*"*The suit is posted for arguments.*

**Previously the petitioner herein has filed an application for recall PW1 and reopen the case in I.A.459/2023 and I.A.460/2023. After enquiry the I.A.459 & 460/2023 are allowed by this court on 05.10.2023. Thereafter the suit posted for arguments.*

**Again the petitioner herein has filed an application for reception of documents in I.A.No.499/2023. After*



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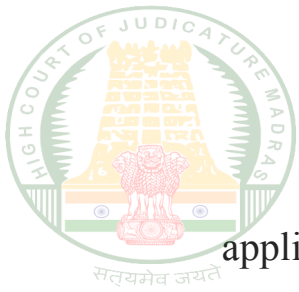
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enquiry it was allowed on 30.10.2023. Thereafter the suit was posted for arguments.

The petitioner again came forward with the applications for reopen, recall PW1 and reception of documents in I.A.600, 601 & 302/2023. Subsequently a common order was passed by this court by allowing the said IAs on 06.02.2024. and thereafter the matter is posted for arguments.

** Again the petitioner has filed applications to reopen the case in I.A.123/2024 and I.A.124/2024 for recall of PW1 and I.A.125/2024 for reception of documents before this court. Document sought to be received is a conversation recorded between the petitioner and the 1st respondent / his father. This court after enquiry dismissed those applications on 27.08.2024."*

11. A mere perusal of the above statement would show how the plaintiff has been protracting the proceedings. The applications are moved only for the purpose of marking two documents which are the Settlement Deeds dated 19.09.2024 and 29.11.2024, 3 Settlement Deeds dated 29.11.2024 and Encumbrance certificates dated 16.02.2025 and 20.02.2025. Even according to the plaintiff in paragraph Nos.8 and 9 of the affidavit filed in support of the said



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applications, he would contend as follows:

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"8. Nevertheless, 1st respondent has gone to the Sub-Registrar's Office in person to execute and register the power deed. This will show that 1st respondent is hale and healthy and can move about. On 02.01.2025, the 1st respondent had visited A/M Devanathasami Temple, with 3rd respondent since the family was the Ubayadaarar on that date in the temple. I had also gone there. This has been captured in the CCTV.

"9. On 28.11.2024, the 3rd respondent has taken 2 settlement deeds from 1st respondent registered through the power agent in respect of some properties involved in O.S.No.129 of 2023. It is doubtful whether the 1st respondent has signed the documents. My father has never signed in English in any document. His signature has been forged."



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Therefore, from the very statement extracted above, it is clear that the documents do not pertain to the properties which are the subject matter of the instant suits O.S.No.149 of 2018 or O.S.No.45 of 2019. That apart, there is no reason for reopening the evidence except for stating that it is for the purpose of marking these documents. The real intent of the plaintiff appears to be not only to protract the proceedings but also to include the suit O.S.129 of 2023 to be tried along with these two suits which are already at the argument stage. From the narration given above, every time the matter is posted for arguments, a fresh interlocutory application is being filed and this is nothing but an abuse of process of Court. His further contention in the argument that the documents have to be marked only to show that his father is hale and healthy and moving around. However, in the affidavit filed in support of these applications, he has stated as follows:

"On 28.11.2024, the 3rd respondent has taken 2 settlement deeds from 1st respondent registered through the Power Agent in respect of some properties involved in



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O.S.No.129 of 2023. It is doubtful whether the 1st respondent has signed the documents. My father has never signed in English in any document. His signature has been forged."

These two statements run contray to each other. If the documents are sought to be filed to prove that the father is hale and healthy, it clearly implies that the plaintiff has accepted that the document is signed by his father. Therefore, the order passed by the I Additional District Judge cannot be found fault with it. Accordingly, this Civil Revision Petition is dismissed. No costs.

22.04.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To,
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The I Additional District and Sessions Judge,
Cuddalore.



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P.T.ASHA, J.,

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