



WEB COPY

CRP NO. 1774 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-02-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

CRP NO. 1774 of 2023

and C.M.P.No.11508 of 2023

R.Geetha

Petitioner(s)

Vs

R.J.Ramesh

Respondent(s)

PRAYER: Civil Revision Petition filed under 227 Constitution of India, praying to set aside the fair and decreetal order dated 20.03.2023 made in I.A.No.6 of 2023 in O.S.No.483 of 2016 on the file of the Principal District Munsif Court, Salem.

For Petitioner(s):

Mr. K.Selvaraj

For Respondent(s):

Mr. D.Ashokkumar

ORDER

The present revision petition is filed challenging the order passed in I.A.No.6 of 2023 in O.S.No.483 of 2016.

2. The defendant originally filed the written statement contending that the misrepresentation was made to believe that the signature so obtained only for grabbing the property and for getting home loan and thereafter, the defendant filed an additional written statement contending that the gift settlement is not true and valid. As the deed was so obtained



fraudulently and by misrepresentation and it is further contended by ion

petitioner/defendant that the plaintiff has absolutely no title or possession over the suit

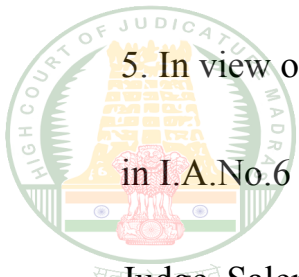
schedule property. The Trial Court by taking into consideration the plea of the plaintiff and

WEB COPY

the defendant had come to the conclusion that there was insertion in the stand of the defendant in the written statement and in the additional written statement.

3. Based on perusal of the written statement that the advise of the Panchayathars to the defendants to cancel the gift settlement deed, thereby, the defendant had cancelled the alleged gift settlement deed dated 28.11.2013 through the registered cancellation of Gift settlement deed dated 11.06.2014 which is valid and binds the plaintiff. On conjoint reading of the additional written statement which finds that the gift settlement deed is not true and valid and the gift settlement deed was obtained fraudulently and by misrepresentation, the plaintiff has absolutely have no title or possession over the suit property.

4. The petitioner/defendant has filed the suit for partition and declared the settlement deed obtained from her by fraud and misrepresentation one. The issue involved in the present suit is one of the issue in O.S.No.4 of 2017. The suit in O.S.No.4 of 2017 is a comprehensive suit and all the issues have to be decided in order to avoid conflict of decisions.



ade

5. In view of the above, the Civil Revision Petition is allowed by setting aside th

in I.A.No.6 of 2023 in O.S.No.483 of 2016 passed by the learned Principal District Munsif

Judge, Salem. The Trial Court is directed to take up the additional written statement filed by

WEB COPY

the petitioner/defendant in the suit in O.S.No.483 of 2016 and the Trial Court is directed to

dispose of the suit preferably within a period of 6 months. The Trial Court shall conclude the

proceedings without any undue influence and observation made by this Court in this revision

petition. No costs. Consequently, connected miscellaneous petition is closed.

14-02-2025

msv

Index: Yes/No

Internet: Yes/No

Speaking order: Non-speaking order

To

Principal District Munsif, Salem.



WEB COPY



N.SENTHILKUMAR,J.

msv

**CRP NO. 1774 of 2023
and C.M.P.No.11508 of 2023**



WEB COPY



14-02-2025