

C.R.P.(MD)No.84, 85 & 86 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD].(MD)No.84, 85 & 86 of 2022

and

C.M.P.(MD)No.415 of 2022

K. Sowandarajan

...Petitioner in all C.R.Ps

Vs.

1.Bharathan

2.Ramanathan

3.P.Ramachandran

4.C.Ramkumar

...Respondents in all C.R.Ps

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, praying to call for the records of the Orders in I.A.Nos.7, 8 & 9 of 2021 in O.S.No.184 of 2023, on the file of the 3rd Additional District Judge, Tiruchirapalli and allow these Civil Revision Petitions.

For Petitioner : Mr.A.Haja Mohideen

For Respondent No.1 : Mr.M.Saravanan

For Respondents 2 to 4 : No appearance



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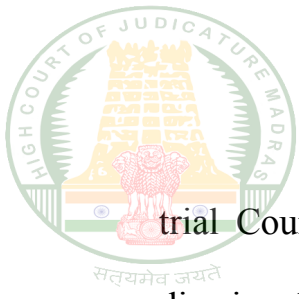
C.R.P.(MD)No.84, 85 & 86 of 2022

COMMON ORDER

These petitions have been filed seeking to set aside the orders in I.A. Nos.7, 8 & 9 of 2021 in O.S.No.184 of 2023, on the file of the 3rd Additional District Judge, Tiruchirapalli.

2.Learned Counsel for the petitioner would submit that the petitioner is the second defendant in the suit in O.S.No.184 of 2013. The first respondent / plaintiff filed a suit for declaration and permanent injunction, declaring the sale deeds as null and void. The suit was filed in the year 2013. The petitioner / D2 evidence was closed. Thereafter, petitioner / D2 filed I.A.Nos.7, 8 and 9 of 2021 to re-open, recall and receive the additional documents ie., the District Registrar's Order dated 04.10.2021. However, all three applications were dismissed by the trial Court. challenging the same, the present Civil Revision Petitions have been filed.

3.Learned Counsel for the petitioner would submit that the document in which the sale deed was cancelled by the District Registrar vide order dated 04.10.2021, is necessarily to be marked before the trial Court, since the very same document is a question before the trial Court in the suit. However, the



C.R.P.(MD)No.84, 85 & 86 of 2022

trial Court is preventing the petitioner from marking the said document and dismissed the petition, which is unsustainable and the petitioner is also ready to pay reasonable cost.

4.Learned Counsel for the first respondent would submit that the trial commenced as early as on 09.12.2014. However, the petitioner has filed these interlocutory applications only in the year 2021, just to drag on the proceedings. The document which is sought to be marked by the petitioner is no way connected to the suit and the same will not serve any useful purpose in answering the issues framed. Hence, the trial Court has rightly dismissed these applications and therefore, learned Counsel for the first respondent prays for dismissal of these Civil Revision Petitions.

5.Admittedly, the first respondent herein filed a suit as early as in the year 2013, in O.S.No.184 of 2013, for declaration and permanent injunction, declaring the sale deeds as null and void. In the said suit, the petitioner / D2 filed I.A.Nos.7, 8 and 9 of 2021 to re-open, recall and receive the additional documents ie., the District Registrar's Order dated 04.10.2021. The District Registrar has no jurisdiction to pass orders under Section 77-A of the Registration Act. This Court, in the case of ***M.Kathirvel Vs. Inspector General***



C.R.P.(MD)No.84, 85 & 86 of 2022

of Registration reported in (2024) 4 CTC 769, has held Section 77-A of the Registration Act to be unconstitutional and unworkable and quashed the impugned order of cancellation as the same has been passed under Section 77-A of the Act. Moreover, the petitioner has to independently establish the case and not by marking a document which was declined as 'no authority' or as 'lack of jurisdiction. Hence, the trial Court has rightly dismissed the impugned I.As and the said order does not require interference by this Court. However, liberty is granted to the petitioner to raise all the grounds before the trial Court.

6.Accordingly, these Civil Revision Petitions stand dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

26.06.2025

Internet:Yes/No

Index:Yes/No

MR



C.R.P.(MD)No.84, 85 & 86 of 2022

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To

- 1.The 3rd Additional District Judge,
Tiruchirapalli.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P.(MD)No.84, 85 & 86 of 2022

M.DHANDAPANI, J.

MR

C.R.P.(MD)No.84, 85 & 86 of 2022

26.06.2025