

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

Rev. Appl.writ(MD).No.116 of 2025

1. A. Lakshmiammal
2. G. Velmani
3. Veeramani @ A.Sumathi
4. A. Rameshwari
5. A. Muthumeena
6. A. Krishnaveni

... Petitioners/proposed party

Vs

1. A.M.Eswaramoorthy
2. The Sub Registrar,
Sub Registrar Office,
Bodinayakanur
Theni District. 625 513

... Respondents

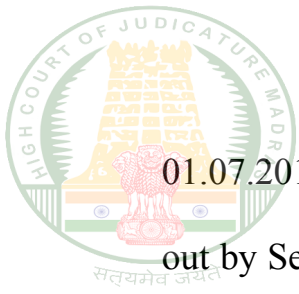
PRAYER in Rev.Appl.Writ(MD)

This review application has been filed under clause -15 of the Letters Patent Act r/w. Order 47 Rule 1 of CPC against the order passed by this Court in WP.(MD) No.22102 of 2024 dated 18.09.2024.



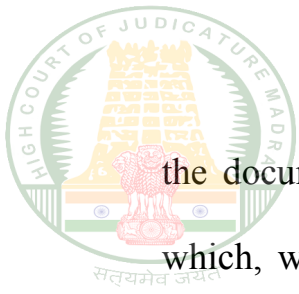
petitioner. The cases were tried based on the Will said to have been executed by his mother in the year 2023. His further case is that when he presented the document for registration of sale deed, the same has been refused to be registered, which was challenged.

3. The learned counsel appearing for the review petitioner mainly would contend that the order has been obtained suppressing various facts. Though the settlement was executed in the year 1960, which has not been acted upon, and the original settlor himself later partitioned the property on 28.02.1995 among the daughters born through his second wife and certain extent of the property was also sold in the year 1997. Thereafter, he has also cancelled the settlement deed on 20.11.2000. In the meanwhile, in the year 2007 itself, the so called settlee, Palaniammal has already died. Thereafter, one Sethuramayi claiming to be the daughter of Arumugam Servai through the first wife Palaniammal filed a suit in O.S.No.150 of 2010 seeking declaration of title before the Sub Court, Theni. In the said suit, an amendment application in I.A.No.354 of 2012 has been filed to change the character of the property as ancestral property, and the same was allowed. The said order was reversed by the order of this Court in CRP MD.No.1961 of 2013 dated 19.08.2014, which was filed by the review petitioners herein and against which, Sethuramayi has filed SLP (C) No.36520 of 2014 and the same was also dismissed on



01.07.2016. Subsequently, an application in I.A.No.10 of 2017 has been taken out by Sethuramayi to withdraw the suit O.S.No.150 of 2010 with liberty to file a fresh suit on the same cause of auction. The said application was also dismissed by the Trial Court on 15.03.2017. Thereafter, the suit came to be dismissed for default on 06.04.2017. In the meanwhile. Sethuramayi has filed a writ petition in W.P.(MD)No.16572 of 2017 to quash the unilateral cancellation of settlement deed dated 20.11.2000. In the said writ petition, he has impleaded her own sons,namely, Periya Muniyandi and Chinna Muniyandi as contesting respondents instead of the real contestants and got an order as if only her sons are contesting parties.

4. According to the learned counsel, impleading her own sons and leaving the main contestant itself is a fraud on the Court. Thereafter, one of sons of Sethuramayi has filed a suit in O.S.No.35 of 2018 for permanent injunction before the District Munsif Court, Bodinayakanoor, in which, the review petitioners herein filed an application in I.A.No.437 of 2018 to reject the plaint and the same was allowed and the plaint was rejected vide order dated 08.02.2021. The said order was also confirmed by the Sub Court, Theni in CMA.No.1 of 2020. Thereafter, in the year 2024, Sethuramayi's another son Easwaramoorthy, filed a writ petition in WP.MD.No.22102 of 2024 sought for registration of the sale deed alleging that sub registrar has refused to register



the document and the same was allowed by order dated 18.09.2024. Against which, writ appeal in W.A.(MD) No2066 of 2024 was also filed by the Sub Registrar in order to avoid the review, however the writ appeal has been dismissed only on the ground that since the Sub Registrar has no right, he is not an affected party and granted liberty to the petitioner to file a review.

5. The learned counsel further contended that based on the order of this Court, now two documents have been registered, however, all the orders have been obtained by suppression of material facts.

6. The learned counsel for the respondent would mainly submit that unilateral cancellation of the settlement deed is not valid in the eye of law, which is rightly held by this Court in W.P.No.22102 of 2024. Therefore, according to him, as per the Will, the writ petitioner is entitled to present the document and hence, opposed the review.

7. I have considered the matter in the light of the submissions made by the learned counsel appearing on both sides and perused entire materials available on records carefully.

8. When the orders of the Court were obtained by suppression of the material facts, such orders cannot be given any importance and such orders can

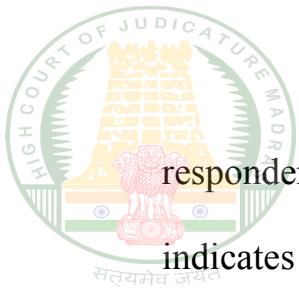


be set aside by the court itself when the fraud is apparent on the face of records.

Admittedly, though the so-called settlement was executed in the year 1960, the facts clearly indicate that much water has been flown thereafter.

9. In fact, a partition deed is also registered in respect of the same property. The suit filed by the daughter((Sethuramayi) of the so called donee/settlor got dismissed as early as 2017 and she attempted to withdraw the suit to file a fresh suit, which was also got dismissed. The amendment sought by her was also dismissed and the same was upheld by the Hon'ble Supreme Court as narrated above.

10. While filing the writ petition by Sethuramayi in WP No.16572 of 2017, she conveniently impleaded her own sons as contesting respondents knowing very well that the suit in respect of the very same property has already been dismissed and had reached finality. Further, one of the sons of Sethuramayi, namely, Periyamuniandi, filed another suit in O.S.No.35 of 2018 for declaration to declare that the partition deed dated 28.02.1995, and the sale deeds dated 24.03.1997 & 20.03.1997 are not valid and the same was also rejected by the District Munsif, Bodinayakanoor on 08.02.2021. Suppressing all these facts, as if he is the title owner and only her own sons are contesting



respondents, she has filed a writ in W.P.No.16572 of 2017. This act clearly indicates that fraud has been played on the Court, in some how or other to get the orders behind the back of the real contestants, who are the parties in the main civil suit. They were conveniently omitted in the writ petition and the orders have been obtained.

11. No doubt, unilateral cancellation of the document, particularly, settlement deed is not permissible under law. But, at the same time, whether the settlement has been acted upon or not was already a subject matter in the suit and several documents are also executed. The suit has been filed to claim and establish her title, which was also dismissed.

12. Therefore, having suffered the orders from the Civil Court along with the appeals and suppressing all the documents, in view of the court is nothing, but calculated fraud played on the Court. Hence, any orders obtained by suppressing the material facts will not have any effect in the eye of law.

13. Thereafter, present writ petitioner, being another son, filed a writ petition by very conveniently suppressing all these material facts, including the suit filed by his mother and his brother in O.S.No.150 of 2010 and O.S.No.315



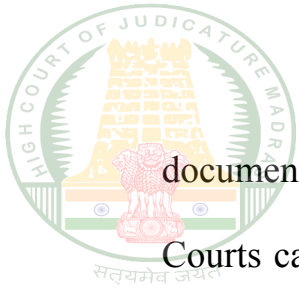
of 2018 respectively. He has projected his case as if he is the absolute owner by virtue of a Will allegedly left by his mother and obtained orders from the Court.

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14. This Court has passed an order, taking note only the power of the Sub Registrar to go into the title, and on that limited point, the order has been passed. However, if all the previous suits and proceedings have been disclosed, certainly, this Court would not have passed such an order. Particularly, since the petitioner's mother did not have title over the property, she lost her title not only through the earlier proceedings, but also by operation of law.

15. In such view of the matter, the orders passed in this writ petition No. 22102 of 2024 have necessarily to be recalled.

16. Accordingly, this Review Petition is allowed and the order dated- 18.09.2024 in W.P.(MD) No.22102 of 2024 is recalled and set aside. Any document presented and registered pursuant to the said order will not convey any title to the purchaser._ The title of any such person cannot be based on the documents, and it has to be independently established by them. In view of the registration of the documents pursuant to the earlier order of this Court, the 2nd respondent is directed to make an entry in the registry, holding that the said



document is not valid in the eye of law. Further, the review order passed in the Courts can be presented for registration and whenever such order is presented, the same shall be registered by the Sub Registrar.

20.08.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
mrp
To
The Sub Registrar,
Sub Registrar Office,
Bodinayakanur



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N.SATHISH KUMAR J.

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