



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1871 of 2025

and

C.M.P.(MD).No.10364 of 2025

1.Sethu

Amirtham (died)

2.Chellapandian

...Petitioners

Vs.

1.Muthuraman

2.Dhanalakshmi

3.Manikandan

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this Civil Revision Petition by setting aside the order dated 21.11.2024 made in I.A.No.3 of 2024 in O.S.No.119 of 2021 on the file of the Sub Court, Sivagangai.

For Petitioner : Mr.R.G.Shankar Ganesh

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ORDER

This Civil Revision Petition has been filed seeking orders to set aside the order dated 21.11.2024 made in I.A.No.3 of 2024 in O.S.No.119 of 2021 on the file of the learned Sub Judge, Sivagangai.

2. The petitioners and one Amirtham filed a suit in O.S.No.119 of 2021 before the Sub Court, Sivagangai, seeking the following reliefs:

(i) Declaration that the petitioners and one Amirtham are the absolute owners of the suit properties;

(ii) Consequential permanent injunction restraining the defendants, their men, agents, servants, and persons claiming through them from in any manner interfering with the peaceful possession and enjoyment of the suit properties;

(iii) Declaration that the sale deed dated 25.09.1978, registered as Document No.729 of 1998, in respect of suit property items 1 to 8, executed by the petitioners and the said Amirtham in favour of the third respondent, is sham and nominal;

(iv) Declaration that the sale deed dated 25.09.1978, registered as Document No.729 of 1998, in respect of suit property items 9 and 10, executed by the petitioners and the said Amirtham in favour of the third respondent, is sham and nominal;

(v) Declaration that the sale deed dated 04.03.2021, registered as Document No.396 of 2021, executed by the third respondent in favour of



respondents 1 and 2, is null and void and not binding upon the petitioners and one Amirtham;

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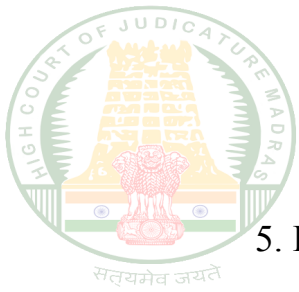
(vi) Direction to the respondents to pay the costs of the suit; and

(vii) To grant such other further reliefs as may be deemed fit and proper.

Pending suit, the petitioners and the said Amirtham filed I.A.No.3 of 2024 before the Sub Court, Sivagangai, seeking permission to summon the Assistant Executive Engineer, TANGEDCO, Kalayarkoil, to produce records pertaining to electricity service connection bearing Consumer No.0548800194. The said application was dismissed by the trial Court on 21.11.2024. Aggrieved by the said dismissal, the present Civil Revision Petition has been filed.

3. The learned counsel appearing for the petitioners submitted that the petitioners have sought for the relief of declaration only on the sole ground that the title was not transferred to the respondents on the basis of the document dated 25.09.1998 and that they are cultivating the land even after execution of the document. He would further submit that the dismissal order passed by the trial Court requires interference. Accordingly, he prays for allowing this petition.

4. Since no adverse orders are going to be passed against the respondents, notice to the respondents is dispensed with.



5. It is seen that the petitioners and the said Amirtham had executed a sale deed in favour of the third respondent in the year 1998. Subsequently, the third respondent alienated the suit property to the first and second respondents in the year 2021. In the same year, the petitioners and one Amirtham filed the suit seeking declaration that the sale deeds are null and void. In support of their case, they sought to summon the electricity records to establish possession. However, it is seen from the records that in the interlocutory application, the petitioners have not specifically stated in which survey number the well is situated or to which survey number the electricity connection pertains. In the absence of such details, the application lacks material particulars. Therefore, the trial Court has rightly dismissed the said application, and there is no necessity to interfere with the same.

6. In view of the above, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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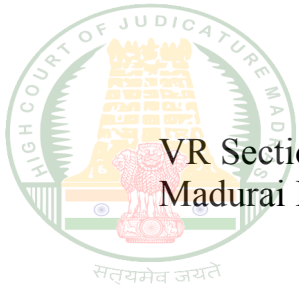
Internet: Yes/No

Index: Yes/No

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To

1. The Rent Control Appellate Authority (Principal Sub Judge, Madurai).
2. The Rent Control Authority (The District Munsif Court), Madurai.
3. The Section Officer,



VR Section,
Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI, J.

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