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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

CRP No. 2390 of 2024

CNR:{HCMA011001242024}

Case QR

and

CMP No. 12526 of 2024

S.Bhupathi

..Petitioner(s)

Vs

S.Sengottain

..Respondent(s)

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Fair and Decretal Order of the Subordinate Judge's Court at Uthangarai, dated 05.04.2024 in I.A.No.5 of 2024 in O.S.No.11 of 2021.

For Petitioner(s): Mr. P.Valliappan, Senior Counsel

For Respondent(s): Mrs. Jayachitra for Mr. T.S.Baskaran for R1 to R3

ORDER

This Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decretal order dated 05.04.2024 passed in I.A.No.5 of 2024 in O.S.No.11 of 2021, where in the application filed by the

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petitioner under Order XVI Rule 3 of CPC to issue summons to the Sub-Registrar and Tahsildar to examine them as witnesses, came to be dismissed by the Court below.

2. Heard the learned counsel appearing on either side, perused the materials available on record and carefully gone through the order passed by the Court below.

3. The petitioner is the plaintiff who has filed the suit in O.S.No.11 of 2021 seeking for the relief of declaration and for permanent injunction.

4. The petitioner/plaintiff filed I.A.No.5 of 2024 under Order XVI Rule 3 of Civil Procedure Code to examine the Sub-Registrar and the Tahsildar on the ground that the property that is shown in the document is non-existent and the entire registration has taken place with the collusion of the Sub-Registrar and this fact can be established only by examining the Sub-Registrar and the Tahsildar.

5. The Court below has dismissed this application and aggrieved by the same, the present revision has been field before this Court.

6. In the considered view of this Court, the entire basis of the suit is that

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the transaction in question was only a loan transaction and the plaintiff never intended to sell the property to the defendants. If that is so, to establish this stand taken in the plaint, the evidence of Tahsildar and Sub-Registrar will not make any difference. Only if the plaintiff admits execution of sale deed and comes up with a plea that a non-existent property has been included in the sale deed, it will make some sense to call the concerned Sub-Registrar as a witness. That is not the case as projected in the plaint. Therefore, the Court below has rightly dismissed the application by assigning reasons and those reasons do not suffer from any perversity warranting interference of this Court.

7. In the light of the above discussion, the said order passed by the Court below is confirmed. Hence, this revision is dismissed. There shall be direction to the Sub-Court, Uthangarai to dispose of the suit in O.S.No.11 of 2021 within a period of **six (6)** months from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

04-11-2026
[2/2]

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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N.ANAND VENKATESH J.

ksk

To

The Subordinate Judge, Uthangarai

CRP No. 2390 of 2024 &
CMP No. 12526 of 2024

04-11-2026
[2/2]

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