T.C. 025

011-E/DD/25

Register Number									

DEPARTMENTAL EXAMINATIONS

TRANSLATION TEST – FIRST PAPER – TRANSLATION OF ENGLISH PASSAGE BEARING ON COURT JUDGMENT INTO URDU LANGUAGE

(Without Books)

Maximum Time : 2.30 hours | Maximum Marks : 100

Answer ALL questions.

1.

IN THE COURT OF THE PRINCIPAL RENT CONTROL, MADURAI TOWN

PRINCIPAL DISTRICT MUNSIF, MADURAI TOWN

PRESENT: THIRU. R. PREM ANAND, M.L.,

S.N. Venkatachalapathy Iyer and Sons a Private

Trust represented by its Present Trustee

V. Jawahar

...Petitioner / Landlord

Versus

1. **N.V. Athmaram**
2. **Vasanthi**
3. **Sabareesh**
4. **Balaji**

...Respondents / Tenants

[Turn over

The 1st respondent herein and other respondents are the wife and sons of my brother late. N.V. Krishnaram, who was another lessee along with the demised premises. The demised premises was taken on monthly rent for residential purpose by his fore fathers long, long ago (as claimed long back 90 years by the petitioner now and all those years they paid the monthly rent regularly without any default. As of now the lineal descendants 1st respondent and his brother Krishnaram became the statutory tenants of that premises after the death of our father Vijayaragavan. The 1st respondent's brother Krishnaram also expired in January 2012 and now his legal heirs respondent 2 to 4 were added by the petitioner in this proceeding. The tenancy is oral. At the outset, the petitioner is named as a Trust and it's character whether it is a Private or Public Trust is not known to these respondents, as no Trust deed is filed with the eviction petition. Also S.N. Venkatachalapathi unilaterally declared himself as the present trustee which is denied by these respondents.

Because, to our knowledge there are 10 Trustees including the said Senathi Venkatachalapathy and all the trustees together have not filed this eviction petition or I.A. against us, as the Trust alone is the owner of the demised premises and not the so-called one Trustee Senathi Venkatachalapathy. Therefore the eviction petition and other petitions arising there from ought to have been filed by the whole body of the trustees. On this ground alone, this eviction petition become legally unsustainable. Even if Senathi Venkatachalapathy is allowed to act as present trustee, it is not validly supported by any documentary evidence produced before this court.

In the absence of all the above said things, this court may very well infer, that Senathi Venkatachalapathy has no locus standi to file this eviction petition against respondents and upon our preliminary objection in this regard, this eviction petition deserves to be dismissed.

2.

IN THE COURT OF JUDICIAL MAGISTRATE NO. II, VILLUPURAM.

PRESENT: TMT V. AKILA, B.L.,

State represented by Sub Inspector of Police,
Kedar P.S.
Cr. No.204/2022 **...Complainant**

- Vs -

Devanathan **...Accused**

PW2 who is the occurrence witness deposed that on 07.11.2022 at about 05.00 p.m when he was standing at Thumbur bus stop to go to his home, the Government bus reg.no TN-32-1571 coming from Gingee towards Villupuram stopped at the bus stop and when he tried to board the bus from the front side by keeping his right leg, the driver of the bus suddenly moved the bus and he tripped and fell down from the bus and the back wheel of the bus run over his left leg. PW3 cited to be a hearsay witness deposed that he was informed about the occurrence by his villagers. PW4 cited to be one of the observation mahazar witnesses denied his signature in observation mahazar prepared by PW8 and stated that he does not know anything about the occurrence.

PW6 cited to be the other observation mahazar witnesses though admitted his signature in the observation mahazar stated that he does not know for which case he has signed as a witness and that he affixed his signature as a witness only as a request made by the police. PW5 cited to be the eye witness to the occurrence deposed that about 2 years ago at about 07.30 p.m she was informed by the public that a government bus going towards Villupuram run over a person who tried to board the bus and then she went and saw there. Further, she does not know the registration number of the bus. PW7 is the doctor who deposed about the issuance of wound certificate of PW2/Ex.P3 opining that the injury sustained by PW2 is grievous in nature. PW8 and PW9 are the police officials who deposed about their respective roles in conducting the investigation.

Since, PW4 to PW6 have not supported the case of the prosecution they were treated as hostile and cross examined by the prosecution but nothing was elicited in their favour.

3.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THE HONOURABLE JUSTICE P.T. ASHA

1. Govindammal

2. Selvaraju

3. Jayakumar **...Appellants**

Vs.

Rangasami (died) and others **...Respondents**

The Courts below opined that though the plaintiffs were unable to prove that Govindammal had no independent source of income to purchase the property, the sale is binding on the plaintiffs as the samehas been executed by Narayana Gounder, who was the absolute owner of the property. The defendants claim a right over to the property on the basis of Exs.B5&B6 settlement deeds. However, the Lower Appellate Court had held that the defendants have not proved the settlement deeds and their taking possession of the property. Pursuant to that the Courts also observed that the defendants are not in joint possession of the property.

Further despite the specific finding of the Appellate Court that the settlement deed was not proved, the defendants 1 to 3 have not challenged this finding by filing a cross appeal or regular appeal. Therefore, once it is found that the settlement deeds are not valid and the same remains unchallenged then intestate succession would open with regard to the properties of Govindammal. Admittedly the plaintiffs and the defendants are the children of pre-deceased son of Govinda Gounder. Therefore, they are entitled to 1/3rd share in the suit schedule properties.

It is not in dispute that item Nos. 3 to 13 stood in the name of Narayana Gounder, who sold it to his wife Govindammal and the documents are produced in favour of his wife Govindammal Ex.B27, the documents Exs.A28&29. Therefore, it is seen that the defendants themselves admitted that the property originally belonged to Narayana Gounder. Therefore, the learned Principal District Judge, Villupuram, has rightly held that the parties are entitled to the share equally between the plaintiffs who have taken 1/3rd amicable partition. Since the settlement deeds have also not been proved, no right flows to the defendants under the settlement deeds and the property covered under the settlement deeds are also available for partition.

4.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

THE HONOURABLE JUSTICE N. ANAND VENKATESH

C.R. Balasubramanian ...Petitioner

S/o.C.R. Raju

Vs.

P.E. Swaramoorthi

S/o.N. Palaniyappan ...Respondent

The main ground that was urged by learned counsel for petitioner is that the petitioner had already filed an insolvency petition before the concerned Court and the respondent/complainant after being aware of the same misused the cheque and deposited in the bank. The insolvency petition that was filed was also marked as Ex.D1. Therefore, this was one of the main ground that was taken in the grounds of appeal. It was contended that even without considering the same, the Court below had mechanically imposed the condition of deposit of 20% of the cheque amount.

In the light of the above judgments, it is clear that there is anelement of application of mind that is involved while directing deposit of 20% of the amount as contemplated u/s. 148 of the Negotiable Instruments Act. If the accused person is able to make out a ground for reduction of this percentage or for exemption of deposit, the same has to be considered by the appellate Court before directing deposit of compensation amount as a condition while suspending the sentence/granting bail.

In the instant case, the petitioner has raised a prima facie ground before the appellate Court and is seeking for exemption of deposit of the cheque amount/compensation amount. The lower appellate Court ought to have applied its mind on this ground that was raised by the petitioner and passed a reasoned order. The same has not been done in this case. Hence, this Court is inclined to remand the matter bank to the file of Principal District and Sessions Judge, Erode, to deal with the issue regarding exemption sought for by the petitioner in depositing 20% of the compensation amount. The ground raised by the petitioner shall be considered and it is left open to the lower appellate Court to pass appropriate orders in this regard on its own merits, within a period off our (4) weeks from the date of receipt of a copy of this order.
