

C.R.P(MD)No.1710 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTHAR

C.R.P.(MD)No.1710 of 2026

and

C.M.P(MD)No.8235 of 2026

Badra estates and Industries limited
through its Managing Director,
Jacob Mammen,
office at
Empire Infantry,
29 Infantry road,
Bangalore.

.. Petitioner

Vs.

Gajendran (died)

- 1.Veerammal
- 2.Pandiyammal
- 3.Rajiv Gandhi
- 4.Koopavardevar
- 5.Rajendran @ Ondiveradevar
- 6.Azhaguthai
- 7.Suresh @ Rajendran

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the order of return dated 22.04.2026 in unnumbered I.A.No. of 2026 filed under Order 16 Rule 1 of C.P.C in O.S.No.435 of 2018 on the file of the Principal Sub court, Dindigul.

For Petitioner : Mr.H.Lakshmi Shankar

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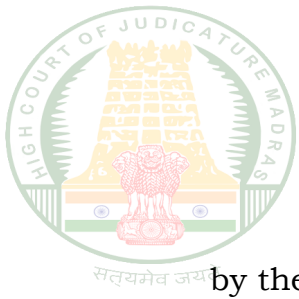
ORDER

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The Civil Revision Petition is filed challenging the order of return passed by the trial Court, whereby the application filed by the petitioner seeking permission to summon the Village Administrative Officer of Santhaiyur Group Village to produce the revenue records relating to the suit property, which are in his custody, pertains to the suit property, was returned.

2. Since no adverse order is being passed against the respondents, notice to them is dispensed with.

3. The respondents 1 to 3/plaintiffs have filed the suit seeking declaration of title and recovery of possession from the petitioner/fifth defendant. The petitioner has been contesting the suit, inter alia, by raising a plea of title by prescription. During the pendency of the suit, the petitioner filed an application seeking permission to examine the Village Administrative Officer for production of the revenue records relating to the suit property. It is the case of the petitioner that the original tax receipts relating to the suit property, which had been paid by them, were lost in their office. Therefore, they sought to examine the Village Administrative Officer to prove the authenticity of the photocopies of the tax receipts produced by him. The application filed



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by the petitioner was returned by the trial Court mainly on the ground that the suit was more than five years old and, therefore, such applications could not be entertained.

4. No doubt, the trial Court is expected to bestow its utmost attention on the disposal of old cases. However, when a litigant files an application seeking permission to examine a witness and summon relevant documents, the trial Court is required to consider the necessity and maintainability of the application on its merits. Merely because the suit is more than five years old, the application cannot be returned without considering the relief sought.

5. In view of the above, the impugned order of return passed by the trial Court is set aside. The trial Court is directed to number the interlocutory application filed by the petitioner and dispose of the same in accordance with law, after affording reasonable opportunity to the respondents.

6. The Registry is directed to return the original papers relating to the unnumbered I.A SR dated 23.03.2026, to the learned counsel for the petitioner.



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7. Accordingly, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

06.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
skn

To

- 1.The Principal Sub Court, Dindigul.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SOUNTHAR, J.

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