

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

THE HONOURABLE MR. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(NPD)No.3724 of 2015 and
M.P.No.1 of 2015

V.Sampath Ragavan

... Petitioner

vs.

R.Vijaya Rathinam (died)

1.V.Santhana Raghavan

2.V.Sridharan

3.V.Sundar

4.V.Vijaya Lakshmi

...Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 17.08.2015 passed in I.A.No.767 of 2015 in O.S.No.91 of 2005 on the file of Additional District Munsif, Vaniyambadi.

For Petitioner : Mr.Vamshi S.Dixit

ORDER

The revision petitioner is the plaintiff in O.S.No.91 of 2005 on the file of Additional District Munsif, Vaniyambadi. The suit was initially filed before the Sub-Court, Tiruppattur in O.S.No.194 of 1993 and subsequently, it was transferred and re-numbered as O.S.No.91 of 2005. It is a partition suit.

2. The revision petitioner filed I.A.No.767 of 2015 in O.S.No.91 of 2005

seeking to summon the Tahsildar to produce certain revenue records. The Trial Court passed an order dated 17.08.2015 rejecting the said application. This revision petition is against the aforesaid order, dated 17.08.2015.

3. The following passage from the order dated 17.08.2015 made in I.A.No.767 of 2015 in O.S.No.91 of 2005, that is questioned before this Court is extracted hereunder:-

"The petition is for summoning the Tahsildar for examination with the records of more than 15 years, so as to prove the possession of the petitioner and the respondents. The suit is filed for partition in the year 1993 and is pending for more than two decades. Nothing is proved (sic) that the examination of the witness (The Tahsildar) is necessary for proper adjudication. It is not the case of the petitioner that the revenue official has refused to give him copies of the documents. The nature of the office of the witness is public office and as such this court is of the view that when there is no impediment for the petitioner to get the documents from the officials, this Court is of the view that summoning the proposed witness is absolutely not necessary."

I am in agreement with the aforesaid view of the Trial Court.

4. As rightly held by the Trial Court, the revision petitioner is at liberty to obtain certified copies from the office of the Tahsildar and he could mark those certified copies to prove his case.

5. In view of the above, the Civil Revision Petition fails and accordingly, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

16.09.2015

Index : Yes/No
svki

To
The Additional District Munsif, Vaniyambadi.

D.HARIPARANTHAMAN,J.,

svki

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