

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2015

C O R A M

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

CRP.PD.No.904 of 2006  
and  
M.P.NO.1 OF 2006

1. Varadharajan
2. Dhanraj
3. Prakasam

....Petitioners/Defendants 3 to 5

Vs.

1. Kaveriammal
2. The Government of Tamil Nadu,  
Rep by the District Collector,  
Namakkal.
3. The Assistant Settlement Officer,  
Natham Dharapuram,  
Periyar District.
4. Palanisamy
5. Rasappan
6. Sellamuthu
7. Kaliasammal

....Respondents/Plaintiffs  
Defendants 1 & 2 and 7 to 10

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the decree passed by the District Munsif Court, Thiruchengode in I.A.No.278 of 2006 in O.S.No.397 of 1997 dated 6<sup>th</sup> day of March, 2006, to set aside the same.

For Petitioners : Mr.P.Jagadeesan

For RR1 : Mr.V.Bharathidasan

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O R D E R

This civil revision petition is directed against the order passed in I.A.No.278 of 2006 in O.S.No.397 of 1997 by the learned District Munsif, Thiruchengode.

2. The 1<sup>st</sup> respondent had instituted a suit in O.S.No.397 of 1997 against the petitioners and the respondents 2 to 7 for declaration, declaring that the plaintiffs are absolute owner of the suit "B" schedule property and for consequential permanent injunction, restraining the defendants 3 to 6, their men, servants or agents from interfering with the plaintiffs peaceful possession and enjoyment of the "B" schedule property.

3. The Petitioners are the defendants 3 to 5 in this suit and they filed I.A.No.278 of 2006 to issue summons to the President of the Bommanpatti Village, Thiruchengode Taluk for the purpose of examination of D.W.3 and to produce the Tax Demand Book.

4. The case of the petitioners is that they have been paying house tax to the Panchayat and to prove the same, they filed an application. The application was resisted by the first respondent by filing a counter. The learned District Munsif, Thiruchengode has dismissed the petition. Challenging that order, the present Civil revision petition is filed.

5. Mr.P.Jagadeesan, learned Counsel for the petitioners submitted that the 1<sup>st</sup> petitioner died and the petitioners 2 and 3 are the sons of the 1<sup>st</sup> petitioner and they have been representing the estate of the first petitioner and therefore, the other legal heirs are not the necessary parties to the suit. It is further submitted that in the counter filed by the 1<sup>st</sup> respondent, she has disputed the genuineness of the receipt which has necessitated the petitioners to file the application.

6. Mr.V.Bharathidasan, learned Counsel for the 1<sup>st</sup> Respondent submitted that the application was filed by the petitioners only with an intention to prolong the litigation and their case can be proved by producing the documents and examining the necessary witnesses.

7. It is seen that the 1<sup>st</sup> respondent has filed a suit for declaration and for permanent injunction. According to the petitioners, they are in possession of the property and they have been paying tax to the local authority. As rightly submitted by the learned counsel for the respondents, the petitioners can produce the

original documents and prove the same through proper witnesses.

8. I am of the opinion that the production of the original Tax Demand Book is not at all necessary in this case. Hence, I do not find any material irregularity or illegality in the impugned order in this revision. The Trial Court shall dispose of the suit as expeditiously as possible preferably on or before 31.07.2015.

In the result, the civil revision petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gv/srn

To

The District Munsif Court,  
Thiruchengode

1 CC to Mr.B.Singaravelu, Advocate SR.No. 13512

1 CC to Mr.P.Jagadeesan, Advocate SR.No.

CRP.PD.No.904 of 2006  
and  
M.P.NO.1 OF 2006

MSM (CO)  
PSI (23.03.2015)

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