



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.03.2015
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .No.2118 of 2014 (PD)
and
M.P. (MD) .No.1 of 2014

1.Raju @ Raju Thevar
2.Kannan

... Revision Petitioners/Defendants

vs.

Kayalvili

... Respondent/Plaintiff

PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 09.09.2014 passed in I.A.No.420 of 2014 in O.S.No.3 of 2012 on the file of the District Munsif, Nilakottai.

For Petitioner : Mr.N.Vallinayagam

For Respondent : Mr.T.Lajapathi Roy

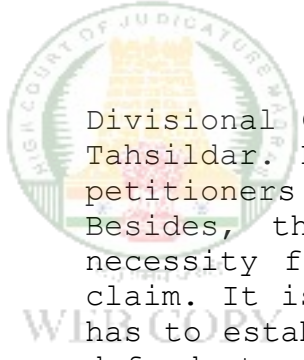
O R D E R

The suit for bare injunction filed by the plaintiff.

2.The first defendant had taken out the application in I.A.No.420 of 2014 seeking permission to summon the Village Administrative Officer, Batlagundu to produce the Adangal and all other relevant records pertaining to S.Nos.1138/1, 1138/2 and 1139/2. The said application was resisted by the plaintiff/respondent contending that the defendants are not cultivating tenant as claimed by them. Already Tahsildar has dismissed the application filed by the revision petitioners herein and now, for the same purpose, the revision petitioners have taken out an application to examine the Village Administrative Officer to prove the same. The learned District Munsif, Nilakottai has dismissed the said application. Aggrieved by the same, the petitioner has filed the above revision.

3.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4.The petitioners had contended that they are duty bound to examine the Village Administrative Officer to prove the revenue documents relating to the suit property, which would come to show their possession. From the records received already Ex.P.1 to Ex.P.3 which are Adangal extracts have been marked by the defendants. It is also the contention of the petitioners that against the order of dismissal of the Tahsildar, an appeal has been preferred by the petitioners before the Revenue



Divisional Officer, who had allowed the appeal and remitted back to the Tahsildar. From the above proceedings, it is clear that the right of the petitioners have not been declared as a cultivating tenant as on date. Besides, the defendants having marked Ex.P.1 to Ex.P.3, there is no necessity for summoning the Village Administrative Officer to prove his claim. It is only a simple suit for bare injunction wherein the plaintiff has to establish his possession. Therefore, there is no necessity for the defendants to take up such application. Now, the evidence is almost completed and this application is taken up by the defendants to delay the proceedings. Therefore, no interference is warranted in the order of the District Munsif, Nilakottai. The civil revision petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

5.As the suit is of the year 2012, this Court directs the District Munsif, Nilakottai to dispose of the suit in O.S.No.3 of 2011 on merits and in accordance with law as expeditiously as possible.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

The District Munsif, Nilakottai.

+1cc to MR.T.LAJAPATHI ROY, ADVOCATE SR.NO.10044

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NS

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