



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.03.2015

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

C.R.P(MD)No.591 of 2015

1.P.Narayanan
2.P.Adhiyappan

.. Petitioners/Petitioners/Plaintiffs

Vs.

Mangudi (died)

2.The Revenue Tahsildar,
O/o.The Revenue Tahsildar,
Aranthangi Post,
Aranthangi Taluk,
Pudukkottai District.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Aranthangi Post,
Aranthangi Taluk,
Pudukkottai District.

4.State of Tamil Nadu,
Through the District Collector,
Collectorate Office,
Pudukkottai.

.. Respondents 1 to 4/Respondents/Defendants

5.Sigappy
6.Ramesh
7.Sathyamoorthy
8.Kalyani

.. Respondents 5 to 8

(R5 to R8 were brought on record as
Lrs of the deceased R1, vide order
dated 07.01.2015)

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order, dated 11.10.2011 passed in I.A.No.381 of 2011 in O.S.No.256 of 2004 on the file of the District Munsif Court, Aranthangi.

For Petitioners : Mr.N.Balakrishnan

For Respondents 5 to 8 : Mr.K.Balasundaram

**ORDER**

The plaintiffs in the suit in O.S.No.256 of 2004 on the file of the District Munsif Court, Aranthangi has filed the above Civil Revision Petition.

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2. Heard the learned counsel appearing for the revision petitioners and the learned counsel appearing for the respondents 5 to 8.

3. The suit is filed for declaration and permanent injunction. After evidence was over and when the matter is posted for argument, the plaintiffs have come up with an application in I.A.No.381 of 2011 in O.S.No.256 of 2004 for re-opening the case and examine the Commissioner and Surveyor appointed in the Commissioner's application. The said application was dismissed by the trial Court and against the said order, the present Civil Revision Petition has been filed.

4. The suit was filed in the year 2004 and Commissioner was appointed as early as on 15.07.2004. The Commissioner had filed his report even in the year 2004. Only the Commissioner had visited the property and filed a report with regard to physical features of the property and no Surveyor or Village Administrative Officer accompanied the Commissioner, another application was filed in I.A.No.648 of 2009 and that application was dismissed. Aggrieved by the same, a Civil Revision Petition was filed before this Court, which was allowed and the same Commissioner was re-issued to file a report. The second Commissioner also filed his report on 28.01.2011. The plaintiffs, who had neither filed objections to the report of the Commissioner in I.A.No.340 of 2004 nor the report filed in I.A.No.648 of 2009, have filed the present I.A.No.381 of 2011 for re-opening the case, at that time, when the suit is posted for argument.

5. If really, the plaintiffs were aggrieved by the report of the Commissioner, they should have filed their objections to the same or even summoned him and examined during trial. Having failed to do so, now at the fake end of the case, the plaintiffs cannot be allowed to re-open the case and examine the Commissioner. On the same ground, the District Munsif Court, Aranthangi also dismissed the application and the same does not require any interference by this Court and hence, this Civil Revision Petition deserves to be dismissed.

6. In fine, this Civil Revision Petition is dismissed. Since the suit is pending from the year 2004, the District Munsif Court, Aranthangi is directed to dispose of the suit in O.S.No.256 of 2004 as expeditiously as possible. No costs.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

ps

To

The District Munsif, Aranthangi.